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February
PROCEEDINGS

***National Advisory Board
for Wild Free-Roaming
Horses and Burros***

September 4-5, 1975

Rock Springs, Wyoming



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ED STATES DEPARTMENT OF AGRICULTURE
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ED STATES DEPARTMENT OF THE INTERIOR
u of Land Management



U.S. Bureau of Land
NATIONAL ADVISORY
BOARD FOR WILD
FREE-ROAMING HORSES
AND BURROS,

BLM LIBRARY
WORKFLOW CHECKLIST
(05/11/2004)

RECEIVE DATE _____

WHO HAS SEEN

BC	___	DW	___
CT	___	NM	___
BK	___	KG	___
JP	___		
AA	___		

7th meeting

DONATION _____

By _____

Notes _____

COLLECTION(S)

Oversize
Reference
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M E E T I N G A G E N D A

National Advisory Board for Wild Free-Roaming
Horses and Burros

Holiday Inn
Rock Springs, Wyoming
September 4-5, 1975

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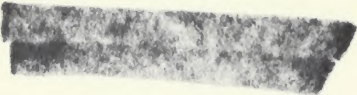
September 4

- 7:00 a.m. Introduction and Welcome--Wyoming State Director
Discussion of field tour
- 7:15 a.m. Leave (motel) on field trip to review management
problems
- 5:00 p.m. Return to motel

September 5

- 8:30 a.m. Organization of Advisory Board - Selection of Chairman
and Vice Chairman--Federal Representative
- 9:00 a.m. Review Advisory Board Charter and Role of Board (Federal
Advisory Committee Act)--Agency Representatives
- 9:30 a.m. Report on Previous Advisory Board Recommendations--Agency
Representative
- 10:00 a.m. Break
- 10:15 a.m. Status of Pending Lawsuits--Agency Representatives
(1) State of New Mexico vs Rogers C. B. Morton, et al.
(2) American Horse Protection Association, et al., vs
Rogers C. B. Morton, et al.
(3) American Horse Protection Association, et al., vs
Stanley K. Hathaway, et al.
- 10:30 a.m. Pending Legislation for Wild Horses and Burros--Tim Monroe,
Assistant Director, Legislation and Plans
- 11:00 a.m. Progress in Population Control Measures and Enforcement
--Agency Representatives
- 11:30 a.m. Lunch

W. J. G. G.
S. J. G.
Denver Federal Center
P.O. Box 25047
Denver, Colorado 80225


September 5

1:00 p.m. Wild Horses under Private Maintenance--Rex Cleary,
District Manager, Susanville, California

1:30 p.m. Wild Horse and Burro Public Information and Education
(films, publications, etc.)--Dan Alfieri, Chief, Office
of Public Affairs

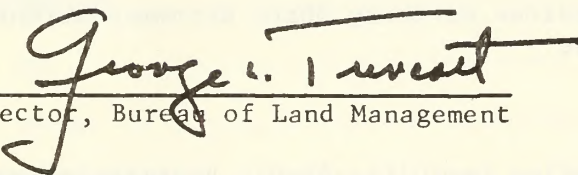
2:00 p.m. Comments from Public

3:00 p.m. Advisory Board Discussions and Recommendations

4:30 p.m. Adjourn

APPROVED:

Associate


Director, Bureau of Land Management

AUG 1 1975

Board Members Present - September 5, 1975

Dr. Floyd W. Frank

Dr. Thad Box

Mr. Arnold Ewing

Dr. Roger Hungerford

Mrs. Velma B. Johnston

Mr. Dean Prosser

Mr. William L. Reavley

Mrs. Pearl Twyne

Mr. Roy Young

Agency Personnel Present - September 5, 1975

James W. "Tim" Monroe, Washington, D. C., Assistant Director, Legislation and Plans, Bureau of Land Management

Bill Evans, Washington, D. C., Director, Division of Range Management, Forest Service

Kay W. Wilkes, Washington, D. C., Chief, Division of Range, Bureau of Land Management

Dan Alfieri, Washington, D. C., Chief, Office of Public Affairs, Bureau of Land Management

W. B. "Wally" Gallaher, Denver, Colorado, Forest Service

Hallie Cox, Ogden, Utah, Forest Service

Jesse, Lowe, Cheyenne, Wyoming, Bureau of Land Management

Hank LaSala, Santa Fe, New Mexico, National Park Service

Cecil D. Lewis, Dinosaur, Colorado, National Park Service

Betty F. Cullimore, Washington, D. C., Bureau of Land Management
Chad McBurney, Cheyenne, Wyoming, Bureau of Land Management
John Burnett, Cheyenne, Wyoming, Bureau of Land Management
Roger Mertens, Cheyenne, Wyoming, Bureau of Land Management
Milton Frei, Denver, Colorado, Bureau of Land Management
Rex Cleary, Susanville, California, Bureau of Land Management
Gene Nunn, Billings, Montana, Bureau of Land Management
G. R. Knutson, Billings, Montana, Bureau of Land Management
Marvin W. Pearson, Craig, Colorado, Bureau of Land Management
Earnest D. Most, Craig, Colorado, Bureau of Land Management
Bill Lawhorn, Meeker, Colorado, Bureau of Land Management
Neil F. Morck, Rock Springs, Wyoming, Bureau of Land Management
Bob Alexander, Rock Springs, Wyoming, Bureau of Land Management
Jack Bogle, Rock Springs, Wyoming, Bureau of Land Management
David O. Scott, Jr., Rock Springs, Wyoming, Bureau of Land Management
Mike Morris, Rock Springs, Wyoming, Bureau of Land Management
Lowell Brown, Billings, Montana, Bureau of Land Management
Jerry Federer, Rawlins, Wyoming, Bureau of Land Management

Public Appearances - September 5, 1975

Milford Fletcher, Santa Fe, New Mexico, National Park Service
John C. Borzea, Rock Springs, Wyoming
Tilly Barling, China Lake, California, Naval Weapons Center
Russell Gaspar, Washington, D. C., American Horse Protection Association

People Signing Visitors' Roster - September 5, 1975

John E. Radosevich, DVM, Rock Springs, Wyoming

William P. Mau, Rock Springs, Wyoming

Mike Patchen, Rock Springs, Wyoming

Rosielea Gash, Denver, Colorado, Limnetics, Inc.

Paul Krza, Rock Springs, Wyoming, Radio Station KRRK

Howard Routh, Rock Springs, Wyoming, Chilton Land and Livestock Co.

John W. Hay, Jr., Rock Springs, Wyoming, Rock Springs Grazing Assn.

Mr. & Mrs. Charles Jamieson, Eden, Wyoming, Dearth-Jamieson Sheep Co.

Gladys Buchanan, Eden, Wyoming

Mrs. John C. Borzea, Rock Springs, Wyoming

Frank D. Wall, Reliance, Wyoming

William R. Taliaferro, Rock Springs, Wyoming, Green River Livestock Co.

Frank C. Mayo, Eden, Wyoming, Sheep Company

Jerri Robinson, Rock Springs, Wyoming, Rock Springs Rocket Miner

William H. Robinson, Rock Springs, Wyoming

George and Rosann Chilton, Rock Springs, Wyoming, Chilton Land and Livestock Co.

Leonard Hay, Rock Springs, Wyoming, Rock Springs Grazing Assn.

A. G. Miller, Rock Springs, Wyoming, Brand Inspector

Pat Woodie, Howe, Idaho

Sam R. Megeath, Rock Springs, Wyoming, Rock Springs Grazing Assn.

J. C. Ramsay, Rock Springs, Wyoming
Dick Randall, Rock Springs, Wyoming, Defenders of Wildlife
Max L. Long, Rock Springs, Wyoming, Wyoming Department of Game and Fish
Dave Lockman, Rock Springs, Wyoming, Wyoming Department of Game and Fish
L. W. Roberts, Rock Springs, Wyoming, Rock Springs Grazing Assn.
Bill Groody, Salt Lake City, Utah, KSL Television
Ron Eisenbarth, Salt Lake City, Utah, KSL Television
Jim Magagna, Rock Springs, Wyoming, Rock Springs Grazing Assn.

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Proceedings of the National Advisory Board
for
Wild Free-Roaming Horses and Burros
Rock Springs, Wyoming
September 4 and 5, 1975

Introduction:

The seventh meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros was held in Rock Springs, Wyoming. The meeting was requested by Stanley K. Hathaway, Secretary of the Interior, on behalf of himself and Secretary Earl L. Butz of the Department of Agriculture by memorandum dated July 7, 1975.

This meeting was scheduled in the State of Wyoming so that the Board would be able to view areas of intermingled land ownership (the so-called checkerboard lands created by grants of every other section of land to the Union Pacific Railroad) where increasing wild horse numbers are creating management problems.

The first day of the meeting was spent on a field tour northeast of Rock Springs to observe wild horses and the problems involved in their protection, management, and control on the checkerboard lands. The tour by bus allowed the Board members to observe the wild horses on the intermingled private, State, and public lands, and management facilities such as corrals, fences, and watering sites in the area.

The official proceedings were held at the Holiday Inn in Rock Springs. Three newly appointed members were present, the first new members appointed to the Board since it was originally formed in 1973. The meeting was called to order by Tim Monroe, the Federal representative. The first order of business was the selection of a Chairman and Vice Chairman; thereafter the meeting was conducted within the agenda outline.

Proceedings of the National Advisory Board
for Wild Free-Roaming Horses and Burros
Rock Springs, Wyoming
September 5, 1975

The meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros was called to order at 8:30 a.m. on September 5, 1975, at Rock Springs, Wyoming, by Tim Monroe, the Federal representative.

As Federal representative, Mr. Monroe asked for nominations for Chairman and Vice Chairman. Dr. Floyd Frank and Dr. Roger Hungerford were elected unanimously as Chairman and Vice Chairman, respectively. At this time, Dr. Frank took over as Chairman and the Board continued in session.

The new charter for the Board providing for their reappointment and responsibilities under the Federal Advisory Committee Act was explained by Kay W. Wilkes, Chief, Division of Range for the Bureau of Land Management. He stated that all advisory boards terminated as of January 5, 1975. The Secretaries of Agriculture and Interior, however, concluded that there was a continuing need for the Board and therefore they reestablished the National Advisory Board for Wild Free-Roaming Horses and Burros. At the end of the next charter period, the need for the Board again will be evaluated and if a similar conclusion is reached, then a new charter will be drawn and another Board appointed at that time. See Appendix No. 1 for the complete text of Mr. Wilkes' remarks.

Bill Evans, Director of Range Management for the Forest Service in Washington, reviewed past recommendations of the Board and the present status of these recommendations. See Appendix No. 2. The inability of the agencies to obtain additional funds for research stressed the need for more precise data and information to justify such research in the budgeting process.

The next item of business was reports on the current status of three pending lawsuits concerning wild horses and burros. Mr. Hallie Cox, Forest Service, discussed the case of the State of New Mexico vs. the Secretary of the Interior. See Appendix No. 3. This involves the roundup and sale, sanctioned by the New Mexico Livestock and Sanitary Board, of 19 burros in 1974 and a subsequent ruling by a Federal district court that the 1971 Wild Horse and Burro Act is unconstitutional. This ruling has been appealed to the United States Supreme Court by the Federal Government. In the meantime, the protection, management, and control of wild horses and burros continues to be carried out under the provisions of the Act by the Forest Service and the Bureau of Land Management.

W. B. "Wally" Gallaher, Forest Service, reported that the remaining horses from the roundup near Howe, Idaho, in 1973 are still in the custody of the Forest Service and BLM. See Appendix No. 4. This suit, instigated by the American Horse Protection Association, is the oldest case concerning horses under the Act and is presently pending a decision before the Circuit Court of Appeals in Washington, D.C.

The third lawsuit still pending was discussed by Kay Wilkes; this also involves the American Horse Protection Association versus Stanley Hathaway, Secretary of the Interior. This suit was brought by the AHPA when the BLM proposed removal of an excess number of wild horses in Nevada to help alleviate damage to the range vegetative resources. See Appendix No. 5. The State of Nevada became involved in July in this roundup, contesting, similar to the State of New Mexico, that the Bureau did not have the right to manage wild free-roaming horses or burros on the public lands. The suit of AHPA in this instance is still pending. A cooperative agreement was reached with the State of Nevada on September 3, 1975, that allowed the Bureau to continue to remove the excess animals.

Mr. Tim Monroe, the Federal representative at this meeting, discussed bills presently under consideration for wild horses and burros before the Congress. Two bills have been introduced, H.R. 2935 in February 1975 by Congressman Whitehurst of Virginia, and S. 1923 introduced by Senator Packwood of Oregon, that would provide certain amendments to the 1971 Wild Horse and Burro Act. See Appendix No. 6.

The following individuals made public statements before the Board. Their presentations appear below in summary form:

Dr. Milford Fletcher, Santa Fe, New Mexico, National Park Service

Dr. Fletcher described the methods recently used to control burros in the Bandelier National Monument. Burros were first reported in the Monument in 1936. In the 1940's, 50 animals out of an estimated 100 total were destroyed to protect the Monument's natural features. By 1974, the burros had increased to approximately 130 animals.

Research showed a deterioration of the Monument resources had a high soil loss and a change in the vegetative cover primarily due to burros. Fifty-two burros were removed by using a team of sharpshooters. Because of the extreme rugged terrain, this was thought to be the most feasible way to dispose of the animals.

Further research study is being conducted on the area and with the burros that were retained. Color collars and radios are used to track individual animals. The evidence gathered from this research will guide future management decisions concerning the burros in Bandelier National Monument.

Mr. Russ Gaspar, representing the American Horse Protection Association, Washington, D.C.:

He stated he realized a great many members of the Board and people in the audience have opinions that differ from the AHPA concerning wild horses and their proper management. The AHPA offers its comments to the BLM on criticisms and suggestions on how a roundup may be better conducted, consistent with AHPA interpretation of the Wild Horse Act. The AHPA believes the Act should be interpreted more stringently and provide more for the protection of animals. The Association did not believe the Stone Cabin Valley gathering was justified. Mr. Gaspar recommended the readjudication of AUM's on public lands to find out the carrying capacity not only of wild horses but of other wild animals and livestock. He also requested the BLM to conduct an active research program concerning range improvements, irrigation, etc.

Mr. Gaspar said the merits of the claims concerning the AHPA lawsuit in the case of the Idaho horses has never been determined by a court of law.

The AHPA is happy that the BLM has appointed special agents to enforce the provisions of the Wild Horse Act as Gaspar hoped that these enforcement provisions would be strengthened under the Organic Act.

John C. Borzea, Rock Springs, Wyoming

Mr. Borzea gave an account of early roundups of wild horses in Sweetwater County. They were not always rounded up by humane methods. He advocated a trespass charge be levied against all individuals who claim horses from the public lands and that the number of wild horses must be controlled. He was concerned on how a determination would be made on which horses were to be retained. He did not want a refuge established but, instead, a reasonable number on all lands where they presently exist.

Mrs. Tilly Barling, China Lake, California, Naval Weapons Center

Mrs. Barling reported on burros for the Naval Weapons Center at China Lake, California. She stated the Naval Weapons Center continues to have a worsening problem in the feral burro population with an increase over the last 2 years of approximately 30 percent per year. Another erratic dry cycle is occurring on the desert range with little feed production for wildlife or feral animals, so that a number of carcasses of apparently starved burros are being found. The Naval Weapons Center is monitoring the continuing declining range condition

and working with adjoining land managing agencies (BLM and NPS) to perfect a regional plan for management of burros and wildlife in the area.

In cooperation with the other agencies, the Naval Weapons Center is attempting to inform conservation organizations to keep them aware of the burro situation and to obtain the recommendations in establishing an acceptable management plan.

Mrs. Barling was questioned by the Board on the recently reported outbreak of a disease in burros on the NWC suspected to be dourine. The Public Health Information Service of Beltsville, Maryland, reported tests for dourine were negative. They suspected the animals may have had Herpies virus which, according to further information gathered, is more or less a result of overpopulation.

The following written statements were read and recorded. These statements are on file with the official minutes and will be summarized for this report.

1. A letter from the Nevada Association of County Commissioners endorsing two resolutions that strongly supported the action taken by the Director, Nevada State Department of Agriculture, in his action of opposing and questioning the ownership of excess horses rounded up by the BLM in Stone Cabin Valley.

2. The following policy and recommendations were adopted by the Sierra Club on May 3, 1975.

The Sierra Club recognizes that many people have an aesthetic and historical interest in the feral burro. The club feels strongly that priorities should be given to native wildlife and the land they utilize over the total preservation of an introduced species.

Recommendations: Species recognition.

- 1) The Sierra Club recognizes that feral burros and feral horses are two distinct species. Ecological niches are dissimilar.

Recommendations: Management and Control.

- 1) The feral burro must be strictly managed and controlled.
- 2) Federal and State agencies must insure that burro management methods are humane.

- 3) The Sierra Club recognizes the necessity of utilizing machanized transportation (helicopter) for management purposes, i.e., for censusing, reconnaissance, and access to habitat areas.
- 4) The use of firearms by competent Federal agencies or their appointees is a humane method of direct reduction of feral burros.
- 5) The Sierra Club endorses the concept of private ownership of feral burros as pets or pack animals.
- 6) The Sierra Club opposes the utilization of feral burros for sporting purposes, including wrangling or mustanging of herds, burro racing, or for any similar activity.
- 7) The Sierra Club suggests that, when feasible, carcasses resulting from burro reductions be donated to government institutions.

Recommendations for protection of native ecosystems and fragile resources.

- 1) Burro herds must be culled in areas where native habitats have become impoverished because of overpopulation, and where overgrazing is evident. Burro herd numbers should be maintained at a level which would minimize impact on native habitats.
- 2) The burro must be eliminated from all Federal and State lands where they would pose a threat to habitats in which rare, endangered, threatened, or endemic species of flora and fauna exist.
- 3) The feral burro must be eliminated from all areas which are protected by the Antiquities Act.
- 4) The feral burro must be eliminated from all National Parks and Monuments.
- 5) Burros must be managed and controlled in National Recreation Areas, and removed from those sections of the N.R.A. in which they would pose a threat to rare, endangered, threatened or endemic biota, or to cultural sites protected under the Antiquities Act.

Recommendations for Congressional Action.

- 1) The Sierra Club recommends that PL 92-195 (the Wild Horse and Burro Act) be amended so as to apply only to wild (feral) horses.

2) The Sierra Club recommends that a feral burro management bill be introduced in Congress which would delineate burro management concepts, and which would establish sanctuaries in areas where it has been determined, through proper scientific studies and environmental impact statements, that there is sufficient forage, water, annual primary productivity, and soil conditions to maintain burro herds, and which would have minimal effect on native wildlife.

3. The Oregon High Desert Study Group submitted a letter supporting the following recommendations of the National Advisory Board for Wild Free-Roaming Horses and Burros.

a) that in the foreseeable future the total number allowable shall, in general, be limited to a number approximating the number of free-roaming horses and burros in existence at the time of the passage of the Act.

b) that there be greatly increased funding to do the necessary research to properly manage wild horses and burros on public lands.

c) that there be an amendment to the law that would explicitly permit transfers of surplus animals to private ownership with adequate provisions for the welfare of the animals.

d) that legislation be sought to allow the use of aircraft, including helicopters, in the state of Oregon, in the inventory and removal of excess wild horses and burros, provided that each and every aircraft have an employee of the management agency in it.

e) that the Bureau of Land Management or management agency, be allowed to dispose of the carcasses.

4. A copy of Senate Joint Resolution Number 9 adopted by the 58th session of the Nevada legislature and approved by the Governor requested Congress to authorize preserves on public lands for the sole use of free-roaming horses and burros and that wild horses and burros be removed from other public lands. The resolution also provided for the purchase of grazing privileges in those areas set aside for wild horses and burros.

5. The Uinta Development Company, owning land within the checker-board land area of the Rock Springs District, suggested that the BLM remove all the wild horses from the area comprised of intermingled private and public lands and place them in areas that comprise 100 percent national resource lands. The company stated wild horse numbers should be controlled and regulated to conform to their forage utilization to be compatible with

the utilization of other wildlife and livestock uses and that the Federal Government and the public exercise reason and good judgment in the management of wild horses.

6. The Rock Springs Grazing Association letter stated:

The Rock Springs Grazing Association was organized in 1909, for the purpose of providing winter grazing for the livestock owned by its members, the grazing season being from December 15th to May 1st.

The members of the Rock Springs Grazing Association kept their livestock off the winter range during the spring, summer and fall growing seasons, thereby achieving a maximum forage growth.

With the passage of Public Law 92-195, December 15th, 1971, our management plan is being defeated, with the vast increase in the number of unregulated horses grazing our land and the intermingled Bureau of Land Management lands.

We recommend to your Board that you authorize the gathering of the excess number, using all reasonable methods, riders, water traps, airplanes or helicopter. By doing this, you will enable us to carry forward our range management and conservation program in cooperation with the Bureau of Land Management.

Progress in control of populations of wild horses and burros and problems in law enforcement were presented by Kay Wilkes. See Appendix No. 7.

Rex Cleary, Susanville District Manager, demonstrated through a slide show some of the experiences they had with wild horses under the private maintenance program. See Appendix No. 8.

Mr. Dan Alfieri, Chief, Office of Public Affairs, Bureau of Land Management, stated the Bureau needs to make more educational material available to the public. The Bureau continues to get mail from all over the United States as millions of people are interested in wild horses and their care. Several publications are being prepared for public information, one of which is oriented chiefly for use by school children. See Appendix No. 9. The film titled "Dapples and Grays--Pintos and Bays" was shown for the Board members.

The following recommendations were adopted by the Board after considerable discussion.

(1) Whereas, populations of feral horses are increasing at rates of 10 to 25 percent annually and that each reproductive year of inaction causes loss of a great national trust in wildlife and range-lands, and

Whereas, the delays in establishing desired levels of feral animal populations on public lands are foreseen for the future,

Be it resolved, that the Secretaries act immediately to reduce feral horse populations in areas where management plans are current and that they reduce other populations to the 1971 level. In the event that Congress has not provided funds or modification of Public Law 92-195 to allow removal of horses and burros and placement in foster care, we recommend that horses and burros be disposed of as provided in Section 3c of PL 92-195 to protect the habitat.

Passed with Mrs. Johnston dissenting.

(2) Whereas, the National Advisory Board for Wild Free-Roaming Horses and Burros has heard creditable testimony to the effect that as total populations of these animals increase, the final actual carrying capacity of the land resource may be greatly depleted for future carrying capacities,

Now, therefore, be it resolved, that the Chairman of the Board personally write the Secretaries and impress upon them the necessity for immediate population control of wild horses and burros wherever they exist upon the public lands.

Passed unanimously.

(3) Whereas, populations of exotic animals have adverse effects on native species, and

Whereas, uncontrolled feral domestic animals have led to the extinction of native species throughout the world, and

Whereas, the U.S. Congress has enacted legislation to protect two species of feral animals,

Be it resolved, that any public relations program issued by the Secretaries stress that horses and burros are exotic animals and not part of the natural system.

Passed unanimously.

(4) Commendation and thanks to Rock Springs Grazing Association and Rock Springs Chamber of Commerce for their helpful participation during the tour by the Board.

Commendation and thanks to the Rock Springs District Office of the Bureau of Land Management for the professionally guided tour and logistical support that have helped the Board conduct its business.

Passed unanimously.

(5) The Board urged responsible citizen conservation organizations to inform their own members and the public at large concerning the serious and immediate problem of all overuse of natural resources on public lands of the Western United States. This program would be done in cooperation with appropriate State and Federal agencies regarding the need for immediate educational programs.

Passed unanimously.

(6) A motion was made for the Board to reiterate its former stand as far as proposed legislation to the Congress from previous meetings was concerned.

Passed with Mrs. Johnston dissenting.

(7) The Board was appreciative of the results of the present research studies, both those done by the agencies and under cooperation. Further, they would encourage research in all areas, perhaps even follow up on placement of animals and things of this kind as well as the research done on the ground with the habitat and the animals.

Passed unanimously.

(8) The Board directed its Chairman to notify sources of research funds of the pressing needs in research on wild horses and burros such as the committee in Nevada.

Passed unanimously.

I certify that I attended the proceedings of the National Advisory Board for Wild Free-Roaming Horses and Burros herein reported, and that this is an accurate summary of the matters discussed and the recommendations made.

Nov 1, 1975
(Date)

Floyd W. Frank
Floyd W. Frank, Chairman

REVIEW OF THE ADVISORY BOARD CHARTER AND ROLE OF THE BOARD, BY KAY WILKES,
CHIEF, DIVISION OF RANGE, BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C.

Under the Federal Advisory Committee Act, this Board, as well as all other boards advising the Secretary of the Interior and Secretary of Agriculture on natural resource matters, terminated January 5 of this year. After analysis of the progress that had been made, or the lack of progress that had been made in implementing the Wild Horse and Burro Act, it was readily concluded by the two Secretaries that there was a continuing need for this Board. A new charter was drawn up and approved May 9 for a 2-year period beginning January 6 and running through December 31, 1976.

At the end of the charter period, the need for the Board will be reevaluated and if a similar conclusion is reached, then a new charter will be drawn and another Board appointed at that time.

The Federal Advisory Committee Act sets forth the following five requirements for participation on advisory groups. Each board must have a clearly defined purpose. Membership must be fairly balanced in terms of points of view represented and the functions to be performed. Provisions must be made to insure that advice and recommendations will not be inappropriately influenced but will, instead, be the result of broad independent judgment. Provisions must also be made for supporting appropriations, submission of periodic reports, and the tenure of each board, and publication of the board's minutes and distribution of other material. Adequate staff, quarters, and funding must be made available by the agencies that are working with the boards.

The new charter is basically the same as the initial charter for this Board. The most significant difference is the limitation of total years of service as a member of the Board. You remember the administrative procedures that we were operating under previous to this charter provided for annual appointments and a Board member could serve a total of 10 years. The new charter also provides for annual appointments, but Board members are limited to three terms. So, under the new charter, members will be limited to only three terms of service on the Board.

The new charter goes into a little more detail than the previous one and it describes the qualifications and the areas of expertise that need to be represented on the Board. I'll just run through them quickly and I'm sure that you will pick the categories that you fall into.

One, protection of horses and burros. Two members from organizations concerned with wild free-roaming horses and burros and the humane treatment of animals or persons otherwise qualified by experience in protection and management of wild free-roaming horses and burros.

Management of wildlife. One member with professional standing in wildlife management. One member from an established wildlife organization who can be either a layman or a professional.

Animal husbandry. One member with professional standing in veterinary science. One member from a livestock association. One member prominent in the administration of State livestock laws.

Natural resource management. One member with professional standing in natural resource management. One member from an established natural resource management organization.

The new charter also contains the requirement that the Board elect its own chairman and vice chairman whereas the initial charter provided for the first term of the Board the chairman was appointed.

I would encourage our three new members to read the remarks by Associate Director Turcott that he made at the first Board meeting at Salt Lake where he outlined in some detail the role of the Advisory Board and I passed out copies of that appendix this morning. Briefly, the highlights of his comments emphasized the duality of the Board, the responsibility of advising both the Secretary of Interior and the Secretary of Agriculture, and he pointed out that for your recommendations to prevail, they must be judgmentally sound, supported by persuasive background information giving full weight to the values placed on wild horses and burros by the people of our Nation. From a practical standpoint, the Board is viewed as operating at the highest level of program control and not at the local program implementation level. He concluded his remarks by pointing out the necessity of distinguishing between your activities and assignments as advisors from involvement in issues in your individual capacities or affiliations with other organizations in which you might have a special interest.

We have also been particularly pleased with the operations of the initial Board and how well they conducted themselves through some of the critical periods of time when we were formulating our regulations and some of the more controversial issues that came before the Board.

We are all going to miss the steady hand of Chairman Wayne Cook and the active participation of Ben Glading and Ed Pierson, but the charter Board set a pattern that I'm sure that we will want to follow and carry forthwith and I'm sure we can do that under the able hand of our new Chairman, Dr. Frank. As Mr. Turcott pointed out and as Dr. Cook emphasized a number of times, the Chairman is the spokesman for the Board.

REPORT ON PREVIOUS ADVISORY BOARD RECOMMENDATIONS, BY BILL EVANS,
DIRECTOR OF RANGE MANAGEMENT FOR THE FOREST SERVICE, WASHINGTON, D. C.

First, I would like to ask how many of you have had the opportunity to read the Report to Congress by the Secretaries of the Interior and Agriculture that was made in June 1974? The recommendations of this group and followup - most have been covered quite well there. I'll talk to your recommendations from the 1974 meeting to the present time. In order to do that, I'm going to pass out some written comments.

Mr. Wilkes interjected the comment that the Bureau of Land Management has assessed their research needs at this time and has circulated the prospectus that describes those needs and they have two research projects underway.

Both agencies have made additional requests for money in accord with past resolutions as indicated here. Despite these efforts, we have not received additional dollars. In the case of the Forest Service, approximately \$450,000 was placed in the budgets for '74 and '75 as add-ons, however, as the final budgets came out, those funds were not available. Also, as indicated, the BLM has made the request to the Department for additional dollars and those have not been forthcoming. It appears that the BLM will maintain the two research programs they have going, at approximately \$60,000.

In order to sharpen up the research needs, we have requested the Intermountain Forest and Range Experiment Station in Ogden, Utah, to meet with BLM representatives and other Forest Service Experiment Stations to develop a coordinated statement of research needs for wild horses and burros. This is to be completed by December 1, 1975. It's hopeful that being more precise in research needs will be helpful in carrying those needs through the Departments and into the budget process.

Also, mechanical and equipment needs for the management of wild horse and burro ranges will be brought before the Vegetative Rehabilitation and Equipment Workshop. This is an interagency group concerned with range improvement technology of which BLM and Forest Service are both members. This will be done in February of this year in Omaha, Nebraska.

The research funds in the Forest Service come under the new Resources Planning Act. The Resources Planning Act will cover the entire Forest Service program and as we go through that, I think it's important to think in terms of those research needs essentially competing against others in a total program with fairly tight constraints on dollars.

The second resolution had to do with a request of the Board that the Secretaries ask the Chairman of the Interior and Insular Affairs Committee of both the U.S. Senate and House of Representatives to call a field hearing on the subject of population increases of wild horses and burros, preferably in Reno, at the earliest possible date and that copies of the resolution be sent to all members of the above congressional committees. This request was forwarded to the Congress by the Assistant Secretary of the Interior, however, there was no response. The only thing I was aware of was that Congressman Melcher did have hearings, with regard to wild horses, in Billings and Senator Packwood had less formal public discussions in Oregon with regard to proposed legislation he is working on. As I understand, the purpose of this resolution was to get the congressional people on the ground to see firsthand some of the problems we are working with and as yet that somehow has to be done to follow through on that resolution. We were not successful on those recommendations.

The next resolution we're talking to was that having to do with a request which urged the Secretaries, and through them the Congress of the United States, to modify the Wild Horse and Burro Act in a manner which would authorize the Secretary to sell or donate excess animals to individuals or organizations on written assurance that such animals will receive humane treatment, etc. I'm not going to talk to this particular resolution any further. Tim Monroe is going to cover the current status of legislation. This is being incorporated into current legislation and he will talk to that further.

At your meeting, this resolution was initially tied to another resolution. "Whereas helicopters are recognized an essential and humane tool in management of wildlife throughout the world, it is resolved that the National Wild Horse and Burro Advisory Board urge the Secretaries, and through them the Congress of the United States, to modify the Act in a manner which would allow the use of motorized equipment and helicopters under the direct supervision of the Secretary or duly authorized officials or employees of the Departments in the management of wild horses and burros." I should mention there that Mrs. Johnston dissented to that and there was a minority report. The resolution was sent forth and here, again, that has been incorporated into proposed legislation. Again, Tim Monroe will touch on that in talking to legislation.

Mr. Monroe commented that the current legislation before Congress, notably the Public Land Policy and Management Act, Section 313(A) says that, "Notwithstanding any other provision of law, the Secretary is authorized to use aircraft and motorized vehicles to provide for the protection, management, and control of wild free-roaming horses and burros. Such use to be in accordance with humane procedures prescribed by the Secretary." It also adds in the authorization to sell or donate without restriction excess horses and burros to individuals or organizations.

The last resolution: "Whereas it is necessary to protect the habitat of wild horses from off-road vehicle use, I move that the Board suggest to the Secretaries enforcement procedures be established that will enable the Bureau of Land Management to properly protect public lands in the public interest." It is my understanding that this deals with a broad area of law enforcement authority for the Bureau of Land Management. Again, this is being incorporated in the same legislation and Tim will also talk to that.

That covers the recommendations and resolutions from your 1974 meeting. Again, the Report to Congress by Interior and Agriculture, I think, has an excellent run down of followup on the previous recommendations and certainly if you haven't had the opportunity to read it, you should.

STATUS OF PENDING LAWSUITS--STATE OF NEW MEXICO VS. ROGERS C. B. MORTON, ET AL., BY HALLIE COX, DIRECTOR OF RANGE MANAGEMENT, REGION 4, FOREST SERVICE, OGDEN, UTAH

This is the case where the State livestock board authorized a request to round up and dispose of 19 burros early in 1974. Subsequently, the burros were rounded up and sold at public auction. When the Bureau of Land Management learned of this capture and sale, they notified the office of the U.S. attorney and the U.S. attorney then requested the livestock board to return the burros to national resource lands saying that they were protected under the Wild Free-Roaming Horse and Burro Act. This request was refused and the New Mexico State Livestock Board subsequently filed suit in Federal court challenging the Department's action to administer the horses under the Act and charging that the Act violated State statute.

In February 1975, the U.S. District Court for the District of New Mexico declared the Wild Free-Roaming Horse and Burro Act as unconstitutional and stated that the Act conflicts with both the historical interpretation of the territorial clause and the traditional doctrines concerning wild animals. The District Court further stated wild horses and burros do not become property of the United States simply by being physically present on the territory or land of the United States. The doctrine of common law, dating back to Roman law, has been that the wild animals are owned by the State in its sovereign capacity, in trust for the benefit of the people. This sovereign ownership vested in the Colonial government and was passed to the States.

On March 7, the attorney obtained a stay on this judgment and on March 28 an appeal was made by the Department of Justice to the Supreme Court. We don't expect a decision until some time in '76 and it could even be some time later. It just depends when they get it on their next calendar. The law is still in effect and normal management activities will be carried out under the Act. It's still in force and effect as far as the agencies (Forest Service and BLM) are concerned.

STATUS OF PENDING LAWSUITS--AMERICAN HORSE PROTECTION ASSOCIATION, ET AL.,
VS. ROGERS C. B. MORTON, ET AL., BY WALLY GALLAHER, DIRECTOR OF RANGE
MANAGEMENT, REGION 2, FOREST SERVICE, DENVER, COLORADO

For those of you who aren't aware that this involves a case, the oldest standing case involving wild horses, involves the roundup of horses on national forest lands and Bureau of Land Management lands in the State of Idaho in 1973. There were 53 unbranded horses rounded up without proper authorization and by the time this had been discovered, the horses had been removed. Thirty of these horses were traced to North Platte, Nebraska, in the processing plant there where they were taken into custody by the Federal Government. However, they were in very poor condition and several of them died. The 13 that survived were placed under veterinary care in Nebraska while the case proceeded.

Shortly after the original happening, the American Horse Protection Association filed suit against Secretary Morton and others. I might elaborate on the others because it was rather involved. They were the Secretary of Agriculture, the Director of the Bureau of Land Management, the Chief of the Forest Service, the Department of Agriculture, the Department of the Interior, and several other individuals in both agencies. At the same time, the Forest Service and the BLM investigating as a team the happenings of that circumstance and at the conclusion of their investigation, this report was turned over to the Department of Justice because it was apparent there was a possible violation of the law. However, the Department of Justice, after some months, declined prosecution because they felt they didn't have enough evidence to obtain a conviction. There was quite a bit of flack after that. About the same time, the horses were moved back from Nebraska, in the custody of the Government, back to Idaho and they're still in the custody of the Government there.

The Department of Justice again reviewed the case and again refused to prosecute.

The next happening there was the ownership determination of the horses by the Brand Inspector of the State of Idaho. He determined, after a public hearing in Idaho, that these horses were not wild free-roaming, but were domesticated horses that had private ownership.

The next thing that happened was Judge Flannery's ruling on the American Horse Protection Association's suit determined that the Government had acted properly, that the State of Idaho was entitled to determine the

ownership of these horses, and that that determination had been made in proper accord with the wild and free-roaming horse law and also cooperative agreements between the Department of the Interior, Department of Agriculture, and the State. However, the plaintiffs in the lawsuit obtained a stay of that decision of Judge Flannery's and the case is currently awaiting hearing in the circuit court, District of Columbia. The horses are still in the Government's custody. Current population is still 13 horses although there have been some changes. There are two yearling colts, a 2-year-old filly, and the rest are stallions and mares. This year two horses died, one through an accident of a broken leg and the other from an apparent heart attack which was determined by an autopsy.

STATUS OF PENDING LAWSUITS--AMERICAN HORSE PROTECTION ASSOCIATION, ET AL., VS. STANLEY K. HATAHWAY, ET AL., BY KAY WILKES, CHIEF, DIVISION OF RANGE, BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C.

In certain areas, expanding wild horse populations are a major factor attributing to declining range conditions. To alleviate these conditions and as an interim measure, the Bureau field offices were advised to initiate plans to control wild horse populations at the 1971 level pending completion of detailed plans which would identify the appropriate number or the optimum number of wild horses that can be satisfied within the limits of the forage available for wild horses as well as the other domestic livestock and wildlife using the area.

At the time the Act was passed, the Wild Horse and Burro Act, we had developed basic planning data in a number of areas and had developed plans that did not provide for wild horses and burros. We are now having to reevaluate those plans and determine the appropriate niche that wild horses and burros will fill in the area.

In Nevada, one of the most critical areas as far as they were concerned was the Stone Cabin Valley Area in the Battle Mountain District. This herd area in southern Nevada consists of some 384,000 acres of national resource lands and 1,300 acres of other ownership. It's an isolated area ranging in elevation from 5,300 feet to over 9,300 feet. The vegetation is typical desert shrub interspersed with alkaline salt grass flats. Water sources are very limited in the area and the Battle Mountain District people plan to remove approximately 400 horses from this area, by contract, using water trapping techniques.

The numbers of wild horses had increased in the area from an estimated 50 head in 1957 to a current population of over 900. This current population was determined by interpolating counts from 1967 when they had an inventory, in 1969 they had another inventory, and then two more recent inventories, 1973 and 1974. Through interpolation, they did conclude that there was about 500 head of horses in the area at the time the Act was passed, so it was their goal to remove the 400 head to get the population back down to the 1971 level and then they would proceed with collecting the resource data and developing their detailed activity plans which would provide for a reasonable number of horses along with the livestock and wildlife use in the area.

The licensed horse use in the area was eliminated some years ago. Current livestock use in the area is about 15,000 animal unit months of forage by four livestock operators, 480 AUM's have been reserved for wildlife use and this provides for approximately 150-200 antelope that inhabit the area, and currently the wild horses are utilizing over 11,000 animal unit months of forage.

The grazing capacity in the area, as determined by range survey, was estimated to be about 19,780 AUM's and this indicates an overcommitment of the range forage resource by approximately 7,000 AUM's. Range studies that we've conducted in the area indicate that 56 percent of the area is in poor condition with a declining trend and wildlife habitat as well as the watershed is also determined to be in an unacceptable condition.

We all understand that domestic livestock numbers are controlled by license or permit and that the numbers allowed in the Stone Cabin Valley area had remained relatively consistent with only minor seasonal variations. Game animals are also controlled by established hunting seasons and bag limits while the wild horse population, up to this point, has remained uncontrolled and has increased substantially since 1971.

The livestock industry and wildlife and other conservation groups have been extremely critical of the Bureau for failure to date to take a positive action to control wild horse numbers. Mrs. Johnston and her organization lent their support to our proposal and she served on a screening committee to evaluate applicants who were interested in taking horses under our cooperative maintenance procedures. The Bureau had letters of support for the control program from the Governor of Nevada, from the Director of the Department of Fish and Game for Nevada, the Nye County Commissioners were also on record of supporting the Stone Cabin roundup, representatives of the National Mustang Association, the National Wild Horse Association, and the First Nevada Cavalry all felt that the roundup was needed and that the removal of the excess horses would improve the situation considerably as far as the remaining horses were concerned.

The roundup received widespread publicity and public reaction was favorable. The District had received hundreds of letters and telephone inquiries from individuals from 38 States indicating an interest in taking one of the horses under our private maintenance agreements. Screening of the applicants indicated it would be fairly easy to find acceptable homes for these 400 horses.

The American Horse Protection Association, headquartered in Washington, D.C., questioned the need for the population control measures. It also took issue with the Bureau's livestock management practices in the area.

The Bureau arranged a tour of the area with some of the Association's key people to acquaint them with resource conditions. Remember, this is the same area the Board toured last fall when we had our meeting in Nevada.

Removal of the 400 horses in the Stone Cabin area would have left a viable herd of about 500 animals and we felt the action was fully warranted by the law and the regulations that had been developed and we were consistent in carrying out the Secretary's responsibilities to manage these animals in a manner that is designed to achieve and maintain a thriving natural ecological balance on the national resource lands.

The District Manager had found a contractor through the advertising process that was interested in undertaking the task. The contract called for water trapping of the animals at a cost of about \$26 a head. On July 21, the trapping operation got underway. On July 23, the American Horse Protection Association filed suit in District Court, District of Columbia, requesting that the court enter an order permanently enjoining the Bureau from authorizing or continuing any roundup of excess horses in the Stone Cabin Valley area. The attorneys for the Justice Department and attorneys in our Solicitor's Office appeared before Judge Sirica in District Court, District of Columbia, and asked for a change of venue in the case to Nevada. Judge Sirica granted the change of venue and transferred the case to Nevada on the 24th of July. The American Horse Protection Association subsequently stated that it would continue the suit in Nevada and as of July 28 the contractor had captured approximately 80 animals. Of the animals captured, there were three that were branded and they could identify the progeny of these three up to eight animals. These animals were being held in a central holding corral in the Stone Cabin Valley area.

On July 28, Tom Ballow, Director of the Department of Agriculture for Nevada, impounded the horses alleging he had authority for such actions under State law. Ed Rowland, our State Director for Nevada, subsequently issued a stop order on the contract to prevent capture of any additional animals as long as there were issues unsettled as to how the animals would be handled.

The notice of the State to advertise and dispose of these horses under State estray laws appeared in the local paper in Tonopah on August 1 and according to State law it's our understanding that after 2 consecutive

weeks of advertising and holding the animals for a certain period of time and it was our understanding it was their intent to dispose of the animals through public auction at the end of the holding period. It was the Bureau's intent to comply fully with the State laws of Nevada and we turned the branded animals and their offspring over to the State as estrays, but there were no outstanding claims on the balance of the animals. We felt that the health and brand clearance required by State law would be a fairly routine matter and it wouldn't necessitate a long holding period and solicitation of other claims which the public hearing that the State law provides for would be unnecessary.

The wild horse and burro regulations provided a claiming period. Claims were filed on some of the horses in the Stone Cabin Valley area, but the attempts by the claimants to gather the horses had been unsuccessful and they waived their claims. We had letters of waiver as part of our file when we approved the roundup and the roundup was approved with the understanding that we would not have any private claims for the animals.

While certain regulations of the Secretary can be waived under certain circumstances, it was the opinion of our Solicitor's Office that this type of a situation was not such a case and that the State of Nevada was advised that we couldn't waive the regulations and neither could we waive any trespass charges if we had had any private claims. Although our procedures do provide for negotiation procedures to settle trespass claims, in this particular situation we didn't have a trespass because no claims were in existence. Furthermore, the Bureau could not accept the proposal by the State for turning over all of the animals to the State as estrays because these are the animals that, in our view, Congress had defined in the Wild Free-Roaming Horse and Burro Act as wild free-roaming horses.

When the State refused to provide the necessary brand inspection and health clearance, and because of the controversial procedures for disposition of the animals, the Bureau, on August 6, released the captured horses back to the open range with the exception of the branded ones and the offspring of the branded ones.

The Bureau released the horses because of the problems with processing disposition of the animals and also because of the potential long period of confinement that would have been required had this got into the courts. We felt the welfare of the animals was critical and that long periods of confinement could lead to injury to the animals and possible disease when animals are held under close confinement. Then, too, the costs involved are substantial when you feed 80 or so horses for a long period of time with the current price of hay and other feed.

After the animals had been released, both the Bureau and the State of Nevada felt real bad and concerned about what had transpired and the issues that had taken form there. Through the urging of the Governor's office and the interest of the two agencies involved, we did sit down numerous times to see if we had a common area that we could agree on and possibly resolve the differences. We were able to negotiate an agreement with the State Department of Agriculture for Nevada and we are planning to proceed with the trapping operation again.

The agreement resolves how the animals will be handled and it sets forth the procedures, step by step, that will be followed to secure the necessary health and brand clearance for releasing the animals under private maintenance agreement to individuals that have been screened and indicated that they would like to take these animals and maintain them.

The agreement sets forth the three different categories of animals. Any private animals identified by brand and their immediate progeny will be turned over to the State and they will be disposed of under State law. The animals that are left will be considered wild and free-roaming animals and will be passed on to applicants that want to maintain them under private arrangements. The other category of animals that seem to be a real issue in the agreement negotiation was animals that had signs of at one time being privately owned--animals that showed signs of saddle marks, bridle marks, animals having been gelded or any other criteria that you would ordinarily use to determine ownership, if you had a claim pending. The State wanted the Bureau to turn these animals over to them as estrays too, but here, again, these are animals that the Bureau feels were incorporated into the Wild Free-Roaming Horse and Burro Act and the mere fact that an animal shows signs of previous ownership doesn't eliminate them from the category of a wild free-roaming horse or burro. Under the agreement that was negotiated with the State, these animals will be turned back out on the open range. They won't be turned over to the State nor will they be reassigned to individuals for private maintenance.

This agreement pertains only to the Stone Cabin Valley area and we are currently working in Nevada as well as New Mexico without an overall agreement with the State. I hope this agreement will set the stage to possibly revive our initial agreement with the State of Nevada and that we can move ahead in other areas of Nevada too without the problems we faced in the Stone Cabin Valley area.

I'm fairly certain, too, that as soon as we progress with the trapping operation that the American Horse Protection Association will, no doubt, perfect their suit in the courts in Nevada. This still may be an issue.

PENDING LEGISLATION, BY TIM MONROE, ASSISTANT DIRECTOR, LEGISLATION AND PLANS, BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C.

Thank you, Mr. Chairman, members of the Board. I'll respond first to the resolution that was previously approved by the Board concerning law enforcement authority for the BLM. Part of our Organic Act that we've had before Congress for a number of sessions has carried with it full law enforcement authority for the Bureau of Land Management. This is something we don't have now. We have two statutes under which we are granted some measure of law enforcement authority. One, of course, is the Wild Free-Roaming Horse and Burro Act of 1971, the other is what's known generically as the Sikes Act Amendments. It's a bill passed last year relating to wildlife areas and this does give us some measure of enforcement authority regarding off-road vehicles in special areas. We've asked the Solicitor's Office in the Department to give us a clarification of just the extent of that authority. We just don't know right now how broad it's going to be or how effective it could be.

Now, the Organic Act is, of course, before Congress again this year. It's been introduced in both the Senate and the House. There have been some hearings in the Senate, a number of hearings in the House, and also continued markup process--this is where the subcommittee sits down and goes through the bill line by line, actually, and makes amendments to it, clarifies it, changes it in some way. Now, they're not really dealing with what the Administration calls the Organic Act. They're dealing with this Subcommittee Print No. 2 called the Public Land Policy and Management Act. This brings in Forest Service and BLM in a number of areas. But speaking specifically to the law enforcement authority, it provides BLM the authority, very limited and restricted, to enforce only the rules and regulations issued by the Secretary with regard to management, use, protection of the public lands. And also, any provision, permit, lease, license, or other document issued by the Secretary with respect to the use, occupancy, and development of such lands. It provides the \$1,000 fine, 12-month imprisonment, working through the committee magistrate. It does not provide for the felony prosecutions or arrests. It also provides for authority to request civil action by the Department of Justice. The Secretary may designate certain BLM employees who have had specialized training in law enforcement to execute and serve warrants, to make arrests without warrant, or process other papers for misdemeanors only. Of course, in some areas, too, very limited, we would have felony arrest authority. This is where the felony is committed or we have reason to believe it has been committed, either committed in the presence of an agent of the BLM or we have reason to. In most of those cases, it would be our policy to bring in other law enforcement agencies such as the FBI

for crimes on Federal reservations, this sort of thing. There's been no intent by the Bureau, and in this language it's been solidified, to have a big armed police force. That causes a lot of problems. We're under fire in a number of States, notably Nevada, for the idea that we want any law enforcement authority at all.

Now, with this language in this bill at this time, when they resume markup sessions next week in the Subcommittee on Public Lands in the House, there will be discussion and perhaps other amendments of this section, but as it reads right now, we would have limited law enforcement authority.

Probably a more key provision is good strong authority in this Act in the philosophy of the Congress, too, and I'm sure that it will come out that way, to contract with State and local law enforcement authorities to provide the enforcement assistance that we would need. In other words, the armed law enforcement officer on the ground. We hope that this could be done. I think Forest Service has had good success with this program. It's somewhat expensive, a few million dollars a year to carry out, but it is very effective and it doesn't create a delusion of on-the-ground management personnel that we certainly couldn't afford and it would just take too many people away from other jobs.

In summary, any BLM agent would have to be thoroughly trained to standards that would equal an FBI agent or Secret Service agent before he could carry a gun and badge and carry out arrests and other provisions of this Act.

There's been a number of bills introduced to amend the existing Wild Free-Roaming Horse and Burro Act. One of them is H.R. 2935 introduced in February of this year by Congressman Whitehurst of Virginia. It gives the Secretary authority to use aircraft and motorized vehicles, provides for the protection, management, and control of wild horses and burros. It also gives him the authority to sell, donate, or whatever without restriction the excess horses and burros to individuals or organizations. When he introduced the bill, Congressman Whitehurst stated that it would provide the Department of the Interior with additional means to manage the herds of burros and wild horses and thus bring them into better balance with the native species. The bill's been referred to the House Interior and Insular Affairs Committee and on August 12 of this year Congressman Melcher held a field hearing in Billings, Montana, of his Public Lands Subcommittee to hear views from the public on this legislation. The chairman of the Nevada Cattlemen's Association testified to a potential population explosion of burros and horses in his State which, he said, could reduce cattle populations 88 percent by 1980. The BLM State Directors from Montana and Arizona discussed various aspects of their management of wild horses and burros, burros largely in Arizona.

The two amendments to the Act, that are embodied in H.R. 2935, are virtually the same language that I read to you out of the Public Land Policy and Management proposal from the Subcommittee and are similar to legislation that has been endorsed by the Department of the Interior and by the Administration last year.

The other bill is S. 1923 introduced in the Senate in June by Senator Packwood of Oregon. He held an informal, or ad hoc, public hearing on this during the August recess and received a number of views on the legislation. It, too, would authorize the use of helicopters and motor vehicles to carry out provisions of the Act although he said that motor vehicles may be used only for ground support purposes. In other words, the surface vehicle could not necessarily be used in the actual rounding up, but only to carry people out. This is the point, Mrs. Twyne, that you raised and how Kay responded to you on the potential technical violations of the Act if we used a surface vehicle or even aircraft, for that matter.

It also imposes a fine and/or imprisonment upon conviction of using or permitting the use of wild free-roaming horses and burros for medical testing or research purposes and it would provide another 90-day claiming period for those persons who would claim ownership of the horse or burro on the public lands without trespass penalties and it specifically excepts the Act from the use of aircraft or motorized vehicles, so it does bring that in again and it's under very controlled circumstances in his bill. The bill is before the Senate Interior and Insular Affairs Committee. As far as I know, there have been no formal public hearings scheduled by the committee other than what Mr. Packwood had on an informal basis. There were a number of organizations that spoke in favor of his bill, Oregon Fish and Wildlife Commission, range consultants from the University of Idaho, Oregon Farm Bureau Federation, Sierra Club, and the cattlemen's associations from Oregon and Nevada. The word that I have is that only one person spoke in opposition to the amendments, but that person's unidentified in the writeup.

Congress has full authority to amend existing legislation even though it is subject to pending litigation. That's never been a problem. In fact, in many cases that's been encouraged by the proponents or whatever in the litigation.

There is also a bill, has not been introduced but is under consideration in both the Senate and the House by a number of members, that would authorize the two Secretaries to establish wild horse and burro ranges. These would be fenced, protected, intensively managed areas that would

provide ranges in different States where these horses and burros would be located. It would also provide interpretative measures, public use facilities that would not harm or threaten the animals or harass them. This is designed to give the Secretaries the opportunity to set up areas where they can provide an extension of the philosophy and policies of the 1971 Act and that is to preserve wild horses and burros and also then to bring the public in and let them see these horses. As you know, on the tour yesterday we saw some beautiful, some fine animals and this is something the public in general does not have an opportunity to enjoy in many cases.

PROGRESS IN POPULATION CONTROL MEASURES AND ENFORCEMENT, BY KAY WILKES, CHIEF, DIVISION OF RANGE, BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C.

I think it would be appropriate to describe briefly what our procedures are for proposing and approving removal of excess animals from public lands. The optimum number, as we've discussed earlier, of wild horses and burros that can be retained in an area will be determined as part of our planning system process. As I pointed out earlier, we are lacking in a lot of this planning data at this time but we are working toward that.

When Assistant Secretary Horton was testifying before the oversight committee, the committee was quite concerned as to how we would arrive at what numbers we would consider excess and what approval would be required before our field offices could initiate proposals. The committee asked Secretary Horton specifically if he would require review of any of the proposals by the Washington Office before approval was given. Now, normally we would view this type of matter as being fully within the authority and responsibility of our District Managers and, of course, subject to review by the State Director. But because of the interest of the committee and the request that they made, we did agree, for a period of time anyway, to review these proposals at the Washington Office level. Because of the controversial nature of such proposals, there are times when the Bureau makes a detailed review but still the Secretary's Office has to be briefed and gets involved in making the determination as to whether we are going to approve the removal or not. Now, this seems like a lot of special consideration on a matter such as this, but as to how long we are going to continue with that requirement I don't know.

What we ask our field offices to prepare and submit with the proposal--first, we like to have a good inventory and a good determination of the numbers that are actually involved in the area. And then we like to have them reconstruct, if they don't have the figures available, just what the populations were in the area they occupied at the time the Wild Horse and Burro Act was approved. Then we ask them to submit information pertaining to range conditions, any of the conflicts that are apparent with other legitimate uses of the public lands, conflicts with wildlife, with domestic livestock, etc. Along with that, we require them to prepare and submit an environmental analysis which is used as a basis as to whether an environmental impact statement is needed before we can proceed with the removal proposal. So, there is a great deal of ground work that has to be developed before we can approve our approval proposal and some of the proposals and the supportive information is detailed and legalistic. Oftentimes we get a review from our Solicitor's Office. Then, if

the supporting information is deficient, we request the field offices to beef it up and meet the full requirements of our procedures and then once their proposal stands the review test, then authorization is issued from the Washington Office for the State Director and District Manager to proceed with their gathering proposal.

Our goal is to maintain the numbers at the 1971 level until we can complete the necessary planning process in order to arrive at an optimum number that we can plan for in an area considering all of the resource uses that take place in that area.

So far we have granted authorization in 11 situations to remove excess horses and to date we have removed 205 animals and they have been gathered and assigned out under our private maintenance agreements. We have several requests pending at the present time.

Another real important aspect of the control program is the processing of private claims we still have pending. We have quite a number of those and I can give you a current rundown in a minute as to just what they amount to. These claims were, with one exception, registered during the claiming period that was provided for in the regulations. We had one problem with New Mexico. The tribal council didn't get the word to the Indian tribes and they were late with submitting their claim. We didn't rule out the claim just because it was filed late. It's still pending.

As to date, we have 1,661 claims still pending for 17,165 animals. That was the number of claims filed initially. As of August 1 of this year, we still had 1,577 claims for 14,068 animals. This indicates that we have removed and returned to the claimants 2,240 animals.

A little idea as to where the animals were removed, now these are excess animals, the 205 that I mentioned, the Pryor Mountains in 1973 removed 30, the East Kiger area in Oregon in '74 removed 70 excess animals, the Smythe Creek in Oregon they removed about 50 head in that area, the Stockdale Unit, also in Oregon, there were 50 head removed in that area, the Pryor Mountains, again, in '75 removed 23 head, the Cherry Creek area in the Sutton Mountains of Oregon they have pending a proposal to remove another 70 head there, Steens Mountains there's a proposal to remove 60 head there, the Susanville District indicated an interest in removing a limited number there and their proposal was to just. . . whenever an opportunity presented itself to get hold of these animals when they were in a fenced enclosure or on private lands or wherever, they would take that opportunity and consider removing them at that time, and, of course, our Stone Cabin Valley area proposal is still

under consideration. We have a request to remove 16 head from private lands un Burns, Oregon. These authorizations have been approved. Some of the animals have been moved, some of them they are in the process of removing, etc.

We have updated our inventory information. We try to do this as we can. Sometimes it's in line with other work. We try to keep a current inventory of horses and burros. As of May 1 of this year, we had over 49,000 animals inventoried on the public lands and 5,000 burros. Our inventory of burros is significantly less than what we estimated we had a couple of years ago. We've reduced our inventory figure down as a result of a pretty intensive helicopter survey that they made in Arizona this past year.

We do require that any removal proposal does receive widespread publicity and, where possible, we meet with any interested groups, present the information to them and get their views and recommendations, and also, you remember, we do ask and have asked the Board for recommendations on criteria, regulations, and what not that will be used to make the determinations. We haven't involved the Board in these local operational matters, just on the broad overview of it.

Alright, I'll move into the report I have on our enforcement actions and problems to date. I have these laid out by State and I'll just run through them hurriedly.

In Arizona, we've investigated nine reported violations. During the course of the investigations they found that they have 15 burros that were shot, three of these burros had been butchered out and part of the carcasses taken. As far as Arizona is concerned, we haven't had sufficient information to warrant attempting to prosecute any of the individuals. Generally, when it is reported, the carcass is out in the country and some of them are several weeks old before the investigator gets to them and it's pretty hard to try to identify any of the individuals that were involved when it is in the out-of-the-way areas.

California, we've had six violations reported there and one of the violations involved shooting of eight burros.

Colorado, we've had two violations reported, one of these involved killing a horse and the evidence indicated it died from a blow on the head and not from being shot.

Idaho, we've had seven violations reported there, three of them they felt that they had sufficient evidence to involve the U.S. attorney. One case involved minors and the U.S. attorney declined to prosecute minors. Four of these animals had been shot.

Montana, no violations reported.

Nevada, we have 23 possible violations reported. In four of these, the evidence was sufficient to involve the U.S. attorney. One of them involved an Indian and he later pleaded guilty to a lesser charge not involving the Wild Horse Act and he was fined \$50 by the State court. In Nevada, carcasses have been found for about 30 horses that had been shot. I should mention, too, that one case involved two colts. This is still pending in the U.S. attorney's office there. Another case involving a colt, the individual pleaded guilty and he was fined \$500 in Federal court.

New Mexico, the only case pending there is the one currently before the Supreme Court.

Utah, they've had 15 reported violations. One the evidence warranted bringing it to the U.S. attorney's office and this is still pending. It involved harassment.

In Wyoming we have 16 violations reported. Two are still pending and they felt they had sufficient evidence to warrant attention of the U.S. attorney. Five wild horse carcasses that were shot have been found.

In Oregon, we have seven violations reported. One of them involved the case we talked about earlier where we've attempted to retrieve the animals that had been assigned out for private maintenance.

I should emphasize here that these investigations are carried out by trained investigators and as Tim mentioned earlier, we do have an agreement with the Fish and Wildlife Service and we do use their trained investigators to help us. On a number of these cases the investigations have also involved the FBI as well as the Fish and Wildlife Service. In some States the FBI is willing to help with these and in other States they've declined. It varies from State to State on what interest you can get from the FBI. Our arrangements with the Fish and Wildlife Service have been quite successful.

WILD HORSE AND BURRO PUBLIC INFORMATION AND EDUCATION, BY DAN ALFIERI, CHIEF, OFFICE OF PUBLIC AFFAIRS, BUREAU OF LAND MANAGEMENT, WASHINGTON, D. C.

As to our education and information program, I must say that I was most interested in Mrs. Twyne's comments yesterday and some of the Board's reaction to her statement that we do, indeed, have a great problem of misunderstanding or no understanding of the Wild Horse and Burro Act and situation. This is, in my judgment, very accurate. I think in the past our educational efforts have been very modest, to say the least. I cannot speak for my predecessor, but I can say that we have the encouragement of the Director to be a little more forthright and to address ourselves more intelligently and more aggressively using mass communications in the best way possible. We do continue to get substantial mail from all over the United States. As you know, millions of people are interested in wild horses and their care. We do need some modernized, well prepared, well written information to answer these inquiries.

We have a host of publications planned, but one of the very simple ones, just a dummy flyer here, a very simple one to answer in general the types of questions that we are getting. To date, the information that we have, while it is adequate, it is not presented in the best way possible. We intend to write it in simple English, Mrs. Twyne, and proceed along those lines.

Additionally, as I mentioned, people who are interested in wild horses are also interested in other wildlife, they're interested in just more than wild horses. They want to know more about them in greater detail. For that reason, we are revising and altering an older publication that the Forest Service and Interior, BLM, had put out on wild horse characteristics. It is our intention to include in this publication the history of the wild horses, the Act itself, statistics concerning wild horses and burros, and, indeed, the wild horse characteristics.

We are presently in contact with a very fine writer and artist who has done what I consider to be an excellent book for young people. It's called Thank You for Helping Us. It is a book about the Pryor Mountains and our horse herds, how they are cared for. It also includes some of the history of the wild horses and why we round up the horses, why we gather the horses on the Pryors, and those things we need to do to keep a proper balance, proper ecological balance. It is so simply written

that it is actually beautiful. The author-artist joined Rex Cleary and his people on a roundup. She spent a week or more on the ground with them. The publication contains some excellent art work. It also shows characteristics of the domestic horse as compared with the wild horse in the Pryors. It, indeed, tells the whole total story of wild horses and as you know, young people, children, that had a great interest and have been a great stimulus behind the Wild Horse and Burro Act itself.

Our total unit is intended to be totally consistent with the Act and the intent of Congress. It is our mission to explain the Act, to discuss the issue of wild horses, to discuss the need for a proper balance for the benefit of the total resource. It will be honest, it will be factual, and I promise you that we will try and put it in English that is at least understandable reading.

Last year, at the end of the year, we put together a film which was specifically designed to tell the story of wild horses and explain our role and our mission under the Act. This film was inexpensive for us to produce. We had 20 copies made. Some will be distributed to our States and later this year it is our plan to put copies into circulation through a commercial organization. It will go to educational outlets and to some television outlets. We had some time and money constraints put on us. We recognize that there are sections of the film that we could probably present better and it is our intention as we move along to get the kind of footage that we need to do it.

In this regard to motion pictures, I would like to bring up television. We had many spinoff benefits from the footage that we have taken. We have, for example, made available some of the outtakes from this film to CBS. CBS covered the wild horse arrival in Gaithersburg, Maryland. So, consequently, we were able to loan them some film and they were able to present a better story from A to Z on the whys and wherefors. So there is spinoff. We do intend to capitalize on television and mass media as much as we can, particularly television.

We are using normal media techniques such as publications and background statements and photo features.

Now, let's jump back to this book. It is our intention to complete our negotiations with Pat Gainer, the girl who did the work here. It is our intention to put the book into circulation through educational organizations such as the NEA. It is intended for use in schools in environmental education programs.

An interesting aside. When Mrs. Gainer conceived this, she also conceived a write-in contest based on the contents of the book, Why I Would Like to Visit the Pryor Range. It is a very interesting concept, it has great potential. For the present, the Bureau is unable to sponsor this kind of a contest, but it is conceivable that with the help of some of our wildlife organizations, WHOA and others, that we will eventually do something like this and build a better understanding of what happens on the ground.

"WILD HORSES UNDER PRIVATE MAINTENANCE"

BY C. REX CLEARY
BLM DISTRICT MANAGER
SUSANVILLE, CALIFORNIA

PRESENTED AT MEETING OF NATIONAL
ADVISORY BOARD FOR WILD FREE-ROAMING
HORSES & BURROS, ROCK SPRINGS, WYOMING

SEPTEMBER 4-5, 1975

1. I WILL GIVE YOU SOME OF THE EXPERIENCES WE HAVE HAD SO FAR WITH THE PRIVATE MAINTENANCE PROGRAM IN THE BILLINGS & SUSANVILLE DISTRICTS, PLUS A NOTE FROM THE BURNS DISTRICT.
2. IN THE PRYOR MOUNTAINS WE HAVE HAD THREE ROUNDUPS -- 1971, 1973 & 1975.
3. THE 71 ROUNDUP PRECEDED THE WILD HORSE LAW SO WE GAVE FULL TITLE TO THE ANIMALS.
4. THE MATURE HORSES WE GAVE TO THE CROW INDIAN TRIBE.
5. AND THE COLTS WE GAVE TO WHOA WHO SERVED AS THE ADOPTION AGENCY FOR US.
6. WE HAVE BEEN FURNISHED AN OCCASIONAL PICTURE OF THE 71 HORSES SUCH AS THIS COLT BEING SHOWN IN HALTER CLASS, BUT WE HAVE NOT FOLLOWED UP DIRECTLY.
7. THE 1973 AND 1975 HORSES WE PUT OUT UNDER PRIVATE MAINTENANCE AGREEMENTS IN ACCORDANCE WITH THE LAW. WE USED THIS COMMITTEE OF 3 PRIVATE CITIZENS TO SCREEN THE APPLICATIONS & MAKE RECOMMENDATIONS ON WHO SHOULD RECEIVE THE HORSES.

8. LAST WINTER WE CHECKED ALL THE 1973 HORSES THAT WERE OUT UNDER AGREEMENTS THAT WE COULD REASONABLY GET TO. A TOTAL OF 33 HEAD. THIS WAS A LITTLE OVER A YEAR AFTER THE PEOPLE HAD RECEIVED THEM.
9. LESLIE PETERS, GREAT FALLS, MONTANA IS A COMMERCIAL ARTIST.
10. HE TOOK A 16 YEAR OLD MARE, IN THE FOREGROUND, AND HE SIMPLY LETS HER RUN FREE IN A 100 ACRE PASTURE WITH 5 OTHER HORSES.
11. JULIE JAKOLA OF ROBERTS, MONTANA TOOK A FILLY COLT.
12. LAST WINTER THE FILLY WAS NOT HALTER BROKE. IT WAS KEPT IN AN IRRIGATED PASTURE WITH 2 OTHER HORSES AND FED HAY OCCASIONALLY.
13. DARLENE WALLILIA OF LAUREL, MONTANA GOT A YEARLING FILLY.
14. THEY HAD BEEN RIDING THE FILLY FOR SOME TIME AND SHE HAS AN EXCELLENT DISPOSITION.
15. LUCILLE JANZER OF GREAT FALLS, MONTANA GOT A NINE YEAR OLD STUD.
16. SHE HAD HIM GELDED, TEETH FLOATED, ETC.
17. AND STARTED RIDING HIM HERSELF.
18. SHE PLANNED ON SHOWING HIM IN HORSE SHOWS.
19. AND WAS TRAINING HIM ON BARRELS.
20. SHELLEY BROCKLE OF FORSYTHE, MONTANA GOT A STUD COLT.
21. SHE SHOWED HIM AT COUNTY FAIR LAST FALL. BUT, IF THE COUNTY AGENT HADN'T BEEN REPLACED, SHE WOULD NOT HAVE, BECAUSE THE FORMER COUNTY AGENT WOULDN'T LET HER ENTER A MUSTANG.

22. LARRY PAPPAS OF BILLINGS MONTANA GOT A YEARLING STUD.
23. HE HAD HALTER BROKEN HIM, BUT HE WAS UNRULY UNTIL LARRY HAD HIM GELDED.
24. LARRY'S FATHER, SAM, ALSO GOT A 17 YEAR OLD MARE THAT DIED 2 MONTHS LATER IN JAN. '74. WE CONDUCTED A POST MORTEM AND THE CAUSE WAS COMPACTION OF FEED DUE TO LACK OF WATER. PLENTY OF WATER WAS AVAILABLE BUT SHE WOULDN'T DRINK.
25. THIS TRIGGERED AN UNEXPECTED PROBLEM WITH THE WILD HORSE LAW. THE COUNTY WOULDN'T LET HIM PUT THE CARCASS IN THE LOCAL DUMP AND THE LAW PROHIBITS TAKING THE CARCASS TO THE RENDERING WORKS. SO WE HAD TO PICK UP THE CARCASS FOR HIM AND HAUL IT ALL THE WAY BACK DOWN TO THE PRYOR MOUNTAIN WILD HORSE RANGE AND DUMP IT OUT.
26. ROBERT KEBSCHULL OF BOYD, MONTANA GOT A YEARLING STUD. HE DIED 2 MONTHS LATER WITH SAME SYMPTOMS AS THE PAPPAS HORSE.
27. WE FOUND AN ORPHANED COLT SHORTLY AFTER AND GAVE IT TO ROBERT AS A REPLACEMENT.
28. BUT HE THOUGHT THE REPLACEMENT WAS DEAF, AND HE ASKED US TO TAKE IT BACK BECAUSE HE DIDN'T WANT HIS DAUGHTER RIDING A DEAF HORSE. SO WE PUT IT OUT ON AGREEMENT A SECOND TIME WITH THE 1975 HORSES AFTER PICKING IT UP AND HAULING IT DOWN TO THE PRYOR CORRALS.
29. DEBBIE YOUNG OF HARDIN, MONTANA GOT A 5 YEAR OLD MARE.
30. SHE TRIED TO HALTER BREAK HER, BUT HAD NOT YET SUCCEEDED. SHE WANTED TO RIDE HER, BUT APPARENTLY NEEDED A LOT OF HELP. THE MARE'S FEET NEED TRIMMING BADLY. DEBBIE IS DISAPPOINTED SHE WAS NOT WITH FOAL.

31. KENNETH DOWNS OF LAUREL, MONTANA GOT A YEARLING STUD. THIS HORSE HAS A VERY SHORT BACK - LESS THAN 4 FINGERS BETWEEN LAST RIB AND PIN BONE - WHICH IS A BARB CHARACTERISTIC.
32. NOW THAT THE HORSE HAS BEEN GELDED, HE HAS FINE DISPOSITION. MRS. DOWNS SITS ON HIM, AND SHE PLANNED TO BREAK HIM THIS SUMMER.
33. SYLVIA WEBBER OF HELENA, MONTANA GOT AN ELEVEN YEAR OLD MARE. THEY CAN'T TOUCH HER AND HAVE NO PLANS TO HALTER BREAK HER. HER FEET ARE IN BAD CONDITION.
34. THE MARE HAD A HORSE COLT THE SPRING OF 74 WHICH IS THEIR PRIDE AND JOY. AT ONE MONTH OF AGE, THE MARE VIOLENTLY REJECTED THE COLT, BIT ITS NECK AND SHOOK IT LIKE A RAT, AND THEY HAD TO WEAN IT TO SAVE IT'S LIFE.
35. THEY ENTERED THE COLT IN THE 1974 HELENA STAMPEDE PARADE WITH A BANNER ON IT'S BACK WHICH PROUDLY ANNOUNCED ITS MUSTANG HERITAGE.
36. BOB LINDGREN OF HELENA, MONTANA GOT A YEARLING STUD.
37. MRS. LINDGREN IS THE TRAINER AND SHE HAS DRIVEN HIM ON BUGGY, SADDLED HIM, LONG LINED HIM AND SHE PLANNED TO RIDE HIM THIS SUMMER. GREAT DISPOSITION.
38. THIS STUD COLT WAS GIVEN TO MRS. KENTON CONARD OF BUDA, TEXAS. THEY PICKED HIM UP IN A HAND MADE CRATE IN THE BACK OF A CHEVY RANCHERO. WE WROTE LAST FALL AND ASKED HOW HE WAS DOING AND IF THEY COULD SEND SOME PICTURES. SHE NEVER RESPONDED. WE DID NOT GO TO TEXAS TO SEE.

39. COUNTRY-WESTERN SINGER PATTI ELLEY GOT THE OTHER 19 HORSES FROM THE 1973 REDUCTION INCLUDING 12 MARES AND 7 STUDS. THERE WAS ONE YEARLING AND THE REST RANGED FROM 3 TO 16 YEARS OF AGE.
40. HER GOAL IS TO ESTABLISH AN ORPHANAGE FOR ORIENTAL CHILDREN IN THE BLACK HILLS OF SOUTH DAKOTA. SHE WANTS TO BUILD UP A BIG ENOUGH HERD OF PRYOR MOUNTAIN MUSTANGS SO THAT EACH CHILD CAN HAVE A COLT.
41. IN THE MEANTIME, SHE MADE ARRANGEMENTS TO HAVE THE HERITAGE RANCH IN SOUTHERN CALIFORNIA KEEP THEM FOR HER -
42. AND HAUL THEM TO CALIFORNIA - ALL FREE OF CHARGE.
43. BUT ALL DIDN'T GO WELL. SHE FEELS THE HORSES DIDN'T GET ENOUGH TO EAT.
44. AND THE HERITAGE RANCH ALLEGEDLY GELDED SEVERAL OF HER STUDS AGAINST HER ORDERS.
45. HER MARES HAD 8 COLTS THE SPRING OF 74.
46. WHICH SHE WEANED AND MOVED TO LANCASTER, CALIFORNIA LAST FALL & WINTER.
47. ALONG WITH 12 OF THE ORIGINAL HORSES.
48. PATTI CLAIMED THE HERITAGE RANCH WOULDN'T GIVE HER 7 OF THE ORIGINAL HORSES.
49. LAST SPRING SHE WAS STILL CONTEMPLATING A LAWSUIT - AND WE ARE SCRATCHING OUR HEADS AND WATCHING.

50. EVERYTHING WAS ARRANGED TO ASSIGN THE 1975 HORSES (A TOTAL OF 25 HEAD) TO THE RECIPIENTS ALMOST IMMEDIATELY AFTER WE GATHERED THEM IN MARCH UNTIL THE AMERICAN HORSE PROTECTIVE ASSOCIATION THREATENED US WITH A LAWSUIT WITH, AMONG OTHER THINGS, THE CONTENTION THAT WE WERE RUINING THE HERD BY REMOVING ANY HORSES.
51. WITH THIS THREAT FROM THE AMERICAN HORSE PROTECTIVE ASSOCIATION WE HELD THE 25 EXCESS HORSES FOR 7 EXTRA WEEKS TO REVIEW THE SITUATION WITH THE SOLICITOR'S OFFICE AND DEPT. OF JUSTICE. OUR FACILITIES WERE NOT INTENDED FOR SUCH PROLONGED RETENTION, AND THE WEATHER WAS COLD AND WET.
52. AND IN THE PROCESS OF TRYING TO DOCTOR AND CARE FOR THE ANIMALS, WE SPENT \$1100 EXTRA ON VETERINARY FEES, \$1000 EXTRA FOR FEED, AND 2 MM OF ROUGHLY \$3000 EXTRA FOR LABOR AND MANPOWER DURING THE 7 WEEK PERIOD.
53. THE SUSANVILLE DISTRICT JUST FINISHED ANOTHER COUNT OF ITS WILD HORSES LAST MONTH AND CAME UP WITH APPROXIMATELY 4,150. THIS IS AN INCREASE OF MORE THAN 800 HEAD AND 25% OVER ONE YEAR AGO. THE DISTRICT ALSO HAS ABOUT 200 BURROS.
54. SO FAR THEY HAVE SUCCEEDED IN REMOVING 8 HORSES AND PUTTING THEM OUT UNDER COOPERATIVE MAINTENANCE AGREEMENTS.
55. IN CONTRAST TO THE BILLINGS DISTRICT WHICH HAS BEEN USING A LIP TATTOO, THE SUSANVILLE DISTRICT HAS BEEN MARKING THE PRIVATE MAINTENANCE HORSES WITH A FREEZE BRAND.
56. THEY TRY TO HIDE THE BRAND UNDER THE MANE.
57. THIS HORSE WENT TO A TEENAGE GIRL IN FOLSOM, CALIFORNIA.
58. THE HORSE IS BEING WELL TRAINED AND SHE IS RIDING IT FOR PLEASURE.

59. THE HORSE OBVIOUSLY HAS OUTSTANDING FACILITIES & PLENTY OF T.L.C.
60. THIS HORSE WENT TO A PARTY IN SUSANVILLE. IT IS GENTLE & HALTER BROKE.
61. THEY ROACHED ITS MANE WHICH EXPOSED THE FREEZE BRAND.
62. THEY KEEP THE HORSE IN THIS PASTURE.
63. THIS 4 YEAR OLD STUD WENT TO A PARTY IN ORANGEVALE, CALIFORNIA. THEY CLAIM THEY WILL NOT GELD HIM BECAUSE THEY DON'T WANT TO ALTER HIS NATURAL SPIRIT. AN INTERESTING POINT FOR SPECULATION.
64. THE HORSE ON THE LEFT WENT TO COLFAX, CALIF. THE AGE WAS ESTIMATED AT 3 AND THE PARTY HAS IT GREEN BROKE. THEY HAVE STATED THEY FEEL THE HORSE IS TOO GOOD A HORSE TO BE A WILD HORSE.
65. THEY SHOWED UP IN THE MIDDLE OF A LAST JANUARY SNOWSTORM TO PICK HIM UP IN THIS OUTFIT.
66. THIS OUTFIT TOOK A HORSE TO EUREKA, CALIF, BUT THERE HAS BEEN NO FOLLOWUP. WORD WAS RECEIVED THE MARE HAD A COLT.
67. THIS COLT WAS SENT TO A PARTY IN BANDON, OREGON AND THERE HAS BEEN NO FOLLOWUP.
68. ANOTHER HORSE WAS SENT TO ORANGEVALE, CALIF., WHERE THE PARTY APPARENTLY HAD QUESTIONABLE FACILITIES.
69. THE HORSE GOT SERIOUSLY WIRECUT AND HAD TO BE DESTROYED.

70. ALLAN STACEY OF RENO, NEVADA GOT THIS MARE. BUT HE FALSIFIED HIS APPLICATION FORM AS HE HAD NO FACILITIES HIMSELF. HE HAD TO KEEP MOVING THE MARE TO THREE DIFFERENT LOCATIONS FOR FAILURE TO PAY FACILITY RENTAL.
71. THE MARE HAD A COLT AND ONE PARTY FILED SUIT IN JUSTICE COURT FOR MONEY DUE WITH A LIEN ON THE COLT. THE LANDLORD AT THE THIRD LOCATION ALSO BROUGHT CHARGES OF FAILURE TO FEED THE ANIMALS.
72. SO THE SUSANVILLE DISTRICT EVENTUALLY CANCELLED MR. STACEY'S AGREEMENT; AWARDED THE MARE TO THE PARTY WHO HAD THE LIEN ON THE COLT, AND MOVED THE MARE AND COLT TO HIS PLACE.
73. A NINTH HORSE IS BEING AWARDED BY THE SUSANVILLE DISTRICT. THIS STUD GOT INTO A RANCHER'S FIELD AND VIOLATED HIS GOOD MARES. SO THE STUD WAS CAUGHT AND IS GOING TO A THOROUGHBRED HORSE BREEDER AND TRAINER IN HOLLYWOOD, FLORIDA. ARRANGEMENTS HAVE BEEN MADE WITH A LOCAL TRAINER WHO IS TRAINING THE HORSE FOR A PONY HORSE TO EXERCISE THE THOROUGHBRED RACE HORSES.
74. YOU MAY HAVE SEEN SOME PUBLICITY ON A CASE WHERE THE BURNS DISTRICT HAD TO TAKE BACK A COUPLE HORSES RECENTLY FOLLOWING THEIR ROUNDUP A YEAR AGO.
75. I GOT A LITTLE INFO TO FILL YOU IN ON THAT. A PARTY WITH AN EXCELLENT APPLICATION WAS AWARDED 2 HORSES - - BUT HIS STATEMENT WAS APPARENTLY FALSE BECAUSE HE HAD NO FACILITIES. THE HUMANE SOCIETY HAD BEEN BOARDING THE HORSES BUT RAN OUT OF PASTURE. THE HUMANE SOCIETY CALLED B.L.M. AND FILED A COMPLAINT ALLEGING MISTREATMENT. THE BURNS DISTRICT TOOK ACTION TO CANCEL THE COOPERATIVE AGREEMENT, TOOK THE HORSES BACK AND

AND IS STILL HOLDING THE HORSES PENDING FINAL ACTION ON THE AGREEMENT CANCELLATION.

76. SOME PHOTOGRAPHER CAUGHT ME PONDERING BLM'S ROLE IN THE WILD HORSE AND BURRO PRIVATE MAINTENANCE PROGRAM.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 7 1975

Memorandum

To: Members, National Advisory Board on Wild Free-Roaming
Horses and Burros

From: Secretary of the Interior

Subject: Call to Meet

Secretary of Agriculture Earl L. Butz and I have called a meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros in Rock Springs, Wyoming, on September 4-5, 1975.

You will be advised of further details by the Director, Bureau of Land Management.

Stanley K. Hathaway



Save Energy and You Serve America!

NOTICES

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effects and, under the standards of Section 4 (c) (8) of the Bank Holding Company Act, should be denied. Nevertheless, on December 11, 1974 the Board approved Wachovia's application, as amended, to retain Southeastern Financial.

Although the Department submitted comments to the Board opposing Wachovia's retention of Southeastern Financial, it also concluded, after the Board's decision, that the anticompetitive effects resulting from such retention did not constitute a violation of Section 7 of the Clayton Act and also did not warrant appeal from the Board's decision under Section 4(c) (8) of the Bank Holding Company Act.

All submissions to the Board by Wachovia and the Department of Justice, and the Board's opinion approving the acquisition, have been supplied to the Court.

II. EVENTS GIVING RISE TO ALLEGED VIOLATION

Retail automobile finance is the making of loans to individuals for the purpose of purchasing private passenger automobiles and the purchase on a discount basis from dealers of retail installment sales contracts arising from such sales. Consumer finance is generally the making of small installment loans to individuals. Factoring is the purchase of accounts receivable without recourse, while commercial finance includes lending on the security of such accounts.

Wachovia is a one bank holding company organized under the laws of the State of North Carolina and headquartered in Winston-Salem, North Carolina. Wachovia's largest subsidiary is Wachovia Bank, the largest commercial bank in the State of North Carolina. Wachovia Bank has over 165 offices in 65 North Carolina cities and towns and controls over 21 percent of total commercial bank deposits in that State. As part of its commercial banking operations Wachovia provides consumer installment loans, overdraft checking, credit cards and automobile loans.

American Credit is one of the largest diversified nonbank financial institutions in the southeastern United States and the largest finance company headquartered in North Carolina. American Credit provides consumer finance, automobile finance, factoring, leasing, commercial finance and insurance through various subsidiaries. As of December 31, 1972, it was the 16th largest independent finance company in the United States. Its consumer loan division operates over 230 offices in 17 primarily southeastern states, approximately 50 of which are in North Carolina. Its sales finance division operates 82 offices in 8 southeastern states, over 30 of which are in North Carolina. Southeastern Financial provides factoring, commercial finance and leasing services throughout the southeastern United States.

Wachovia and American Credit thus engaged in substantial direct competition in automobile and consumer finance. Wachovia Bank is the second largest automobile lender in North Carolina with 3.9 percent of all registered liens, and American Credit is the sixth largest automobile lender in North Carolina with 6.1 percent of all liens registered in the State. American Credit is the largest motor vehicle lender licensed under the North Carolina Consumer Finance Act with 31 offices in 26 North Carolina cities. Wachovia maintains branches in 13 of these cities. American Credit is also the second largest consumer loan company in North Carolina, and has offices in 19 North Carolina communities where Wachovia Bank has branches.

Southeastern Financial is the second largest factor in North Carolina and the largest commercial finance company headquartered in the Southeast. Wachovia, as the largest

commercial banking organization in the Southeast, was considered a significant potential entrant into factoring.

Thus, the acquisition of American Credit by Wachovia would have eliminated direct competition between them in automobile and consumer finance and eliminated Wachovia as a potential entrant in factoring.

III. PROPOSED CONSENT JUDGMENT

The proposed Consent Judgment provides a combination of measures to dispel the anticompetitive effects of this acquisition. First, Wachovia is required to divest all of American Credit except Southeastern Financial and its carpet and rug manufacturing subsidiary, Virginia Crafts, Inc., as a going, viable business within two years of the entry of judgment, or submit to the plaintiff thirty (30) days prior to the expiration of this period a plan of divestiture, approved by the Board of Directors of Wachovia, to spin off American Credit, except Southeastern Financial and Virginia Crafts, Inc., to its shareholders, within six months thereafter. Second, if the required divestiture has not been completed within the appropriate period, under the terms of the Consent Judgment, the plaintiff has the option to apply to the court for the appointment of a trustee to carry out the divestiture at the expense of Wachovia. Third, Wachovia is enjoined for a period of ten years from acquiring, without the consent of the Department of Justice, the stock or assets of any company engaged in consumer or automobile finance in North Carolina or commercial finance or factoring in the United States.

IV. REMEDIES AVAILABLE TO POTENTIAL PRIVATE PLAINTIFFS

This judgment may not be used in private litigation as *prima facie* evidence, pursuant to Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), that the antitrust laws have been violated. However, any persons damaged by the activities of defendants retain the right to sue for money damages and all other legal and equitable remedies, just as if the proposed Consent Judgment had not been entered.

V. PROCEDURES AVAILABLE FOR MODIFICATION OF CONSENT JUDGMENT

This proposed Consent Judgment is subject to a stipulation between the parties that the United States may withdraw its consent to the proposed judgment at any time within 60 days of its filing with the Court. Any person so desiring may submit written comments relating to the proposed judgment for consideration by the plaintiff to Hugh P. Morrison, Jr., United States Department of Justice, Antitrust Division, Washington, D.C. 20530. The Department of Justice will consider all such comments received. Both comments to and responses from the Department of Justice will be published in the *FEDERAL REGISTER*.

VI. ALTERNATIVES TO PROPOSAL ACTUALLY CONSIDERED BY UNITED STATES

The relief provided in the proposed Consent Judgment fully restores all actual competition between American Credit and Wachovia. The Board's decision, and the Department's decision not to appeal therefrom, relates only to the possible restoration of Wachovia as a potential entrant into factoring through divestiture of Southeastern Financial.

The Department determined that additional relief was not warranted or justified under the antitrust laws. Given the relief provided in the proposed Consent Judgment, which will have a salutary effect on competition in North Carolina in the markets alleged in the Complaint, the proposed Con-

sent Judgment will dissipate the effects of the alleged violation of Section 7, insofar as it relates to actual competition. The Department did not consider, given the fact that detention of Southeastern Financial alone did not constitute a violation of Section 7 of the Clayton Act, trial of the case on the potential competition aspect alone.

No materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16 (b)) were considered in formulating this proposed Consent Judgment.

JULES M. FRIED.

PETER E. HALLE.

Attorneys for Plaintiff, Antitrust Division, Department of Justice, Washington, D.C. 20530.

Dated: July 30, 1975.

[FR Doc. 75-26527 Filed 8-4-75; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NATIONAL ADVISORY BOARD FOR WILD FREE-ROAMING HORSES AND BURROS

Meeting

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold a meeting on September 4 and 5, 1975, in Rock Springs, Wyoming, at the Holiday Inn. The agenda and schedule of activities are outlined below:

September 4—A field trip to view wild horse management problems. The Advisory Board will leave Rock Springs at 7 a.m. and is scheduled to return to Rock Springs at 5 p.m. Individuals from the public wanting to participate in the tour must provide their own transportation and lunch.

September 5—The meeting will be called to order at 8:30 a.m. The first order of business will be the selection of a Chairman and Vice Chairman. Other items on the agenda are: (1) Review of the Advisory Board Charter and role of the Board; (2) report on previous Advisory Board recommendations; (3) status of pending lawsuits; (4) pending legislation; (5) progress in population control measures and enforcement; (6) wild horses under private maintenance; (7) wild horse and burro public information and education; (8) comments from the public; and (9) Advisory Board discussion and recommendations.

The meeting will be open to the public. Time has been set aside from 2 to 3 p.m., September 5, for brief statements by members of the public. Those persons wishing to make an oral statement must inform the Director (330), Bureau of Land Management, in writing prior to the meeting of the Board. One written copy of all oral statements identifying the author is desired to provide a record for the minutes. Any interested person may file a written statement with the Board for its consideration. Written statements may be submitted at the meeting or mailed to the Director (330), Bureau of Land Management, Washington, D.C. 20240.

Additional details can be obtained by contacting the Office of Public Affairs,

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NOTICES

Bureau of Land Management, Joseph C. O'Mahoney Federal Center, 2120 Capitol Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

Minutes of the meeting will be available for public inspection 60 days after the meeting at the Office of the Director (330), Bureau of Land Management, Interior Building, Washington, D.C. 20240.

GEORGE L. TURCOTT,
Associate Director.

AUGUST 1, 1975.

[FR Doc.75-20560 Filed 8-7-75;8:45 am]

National Park Service
ROCKY MOUNTAIN REGIONAL
ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Rocky Mountain Regional Advisory Committee will be held September 10-12, 1975, at Glacier National Park, Montana. The business session will convene at 10:30 a.m. on September 11 and 9 a.m. on September 12, at the West Glacier Conference Hall with an onsite inspection of park facilities on September 10.

The purpose of the Rocky Mountain Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Rocky Mountain Region of the National Park Service.

The members of the Advisory Committee are as follows:

Dr. John D. Hunt, Logan, Utah (Chairman).
Mr. Samuel J. Taylor, Moab, Utah.
Mr. William W. Robinson, Denver, Colorado.
Mr. Ralph M. Clark, Denver, Colorado.
Mr. Hoadley Dean, Rapid City, South Dakota.
Mrs. Harold (Alice) Frysile, Bozeman, Montana.
Mr. D. C. "Del" Shipman, Watford City, North Dakota.
Mr. Jack Rosenthal, Casper, Wyoming.
Mr. Vince R. Lee, Wilson, Wyoming.

The matters to be discussed at this meeting include:

1. Affect of coal developments in British Columbia on Glacier National Park.
2. Affect of airborne fluoride pollution on Glacier National Park.
3. Clearing of U.S.-Canadian border in Glacier National Park.
4. State-Federal jurisdiction over U.S. Highway 2 in Glacier National Park.
5. Status of private inholdings in Glacier National Park.
6. Elk Management Program, Yellowstone National Park.
7. Blackfeet Indian activities in and adjacent to Glacier National Park.
8. National Park Service Planning Processes and Public Involvement.

The meetings will be open to the public. Any member of the public may file with the committee a written statement concerning the matters to be formally discussed by the committee on September 11-12.

Persons wishing further information concerning this meeting, or who wish to

submit written statements, may contact Committee Manager Forrest Benson, Rocky Mountain Regional Office, National Park Service, Denver, Colorado 80225. Telephone 303-234-4943. Minutes of the meeting will be available for public inspection approximately 4 weeks after the meeting at the Rocky Mountain Regional Office, 655 Parfet Street, Denver, Colorado 80225.

Dated: July 23, 1975.

HAROLD P. DANZ,
Acting Regional Director,
Rocky Mountain Region.

[FR Doc.75-20512 Filed 8-7-75;8:45 am]

LAKE MEAD NATIONAL RECREATION
AREA, OVERTON BEACH DEVELOPMENT
CONCEPT PLAN

Notice of Intent

Notice is hereby given that the National Park Service will hold three public workshops in September to provide for public involvement and citizen participation in the first phase of the development concept planning process for the Overton Beach Area of Lake Mead National Recreation Area.

The workshops will be held in Overton, Nevada, Sept. 10, in the Overton Community Center, at 7:30 p.m.; in Las Vegas, Nevada, Sept. 12, in the multipurpose room of Orr Junior High School, at Katie and Twain, at 7:30 p.m., and at Overton Beach, Lake Mead National Recreation Area, Sept. 13, in the Overton Beach Resort restaurant, at 7:30 p.m.

The purpose of these workshops is to provide for wide public involvement, including ideas, suggestions, and comments from individuals and organizations on the formation of Overton Beach Development Concept Planning Alternatives.

It is the intention of the National Park Service, when the Development Concept Planning Alternatives are completed, to make them available to the public for further review.

Anyone wanting information on the National Park Service planning process, or wishing to submit comments on the uses of Overton Beach may write to the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, Nevada 89005.

Dated: July 28, 1975.

JOHN H. DAVIS,
Acting Regional Director, West-
ern Region, National Park
Service.

[FR Doc.75-70806 Filed 8-7-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration
COOSA VALLEY TELEPHONE CO.,
PELL CITY, ALABAMA
Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, pub-

lished in proposed form in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of \$2,853,000 to Coosa Valley Telephone Company. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mrs. Jean S. Brandli, President, Coosa Valley Telephone Company, Box 628, Pell City, Alabama 35125.

To assure consideration, proposals must be submitted on or before September 8, 1975, to Mrs. Brandli. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Coosa Valley Telephone Company and REA deem appropriate.

Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 31st day of July, 1975.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.75-20541 Filed 8-7-75;8:45 am]

DEPARTMENT OF COMMERCE**Maritime Administration****U.S. FLAG MERCHANT VESSEL LOCATOR FILING SYSTEM (USMER)****Notice of Establishment**

Pursuant to the authority vested in the Secretary of Commerce under Section 212 (A) of the Merchant Marine Act of 1936, as amended, and delegated to me by the Secretary under Department Organization Order 10-8 of June 19, 1972, this notice announces the establishment of a vessel movement reporting system to be called U.S. Flag Merchant Vessel Locator Filing System (USMER) for U.S. merchant ships engaged in the foreign commerce of the United States. The purpose of USMER is to keep national agencies and certain military authorities informed concerning arrivals, departures and at-sea locations of U.S. flag merchant vessels throughout the world. The USMER system will become effective November 1, 1975, and all U.S. flag merchant vessels of 1,000 gross registered tons or over engaged in U.S. foreign commerce departing United States



United States Department of the Interior

1214 (330)

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

AUG 15 1975

Memorandum

To: Assistant Director, Legislation and Plans

From: ~~Acting~~ DirectorSubject: Delegation of Authority--September 1975 Meeting of
the Wild Horse and Burro Advisory Board

Pursuant to the authority delegated to me by the Secretary of the Interior, I hereby delegate to you authority and responsibility to act as the authorized representative of the Secretary at the September 4-5 meeting of the joint National Advisory Board for Wild Free-Roaming Horses and Burros.

*Save Energy and You Serve America!*

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

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REPLY TO: 2220 Management of Ranges

AUG 19 1975

SUBJECT: National Advisory Board for Wild Free-Roaming
Horses and BurrosTO: Curt Berklund, Director
Bureau of Land Management
Department of the Interior

The Secretary of Agriculture has delegated to the Chief of the Forest Service the authority for appointing the Department's official representative for the National Advisory Board for Wild Free-Roaming Horses and Burros. William L. Evans, Director of the Range Management Staff, Forest Service, is appointed to this post succeeding Frank J. Smith.

R. M. HOUSLEY
Associate Deputy Chief

NOTICES

Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection 2 weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, S.W., Washington, D.C.

Dated: June 6, 1975.

RICHARD L. STANTON,
Acting Director,
National Capital Parks.

[FR Doc. 75-15405 Filed 6-11-75; 8:45 am]

GOLDEN GATE NATIONAL RECREATION AREA CITIZENS' ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Advisory Commission will be held at 7 p.m. on Wednesday, July 2, 1975, at the Mount Tamalpais High School, Mill Valley, California.

The purpose of the Golden Gate National Recreation Area Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park Service system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Mrs. Amy Meyer, Secretary
Mr. Ernest Ayaala
Mr. Richard Bartke
Mr. Fred Blumberg
Mr. Joseph Caverly
Mr. Lambert Lee Choy
Mrs. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mr. John Mitchell
Mr. Merritt Robinson
Mr. William Thomas
Mr. Gene Washington
Dr. Edgar Wayburn

The major item on the agenda will be a presentation by National Park Service staff explaining the Federal Wilderness Act of 1964 and the findings of the Point Reyes Wilderness Study conducted by the NPS.

This meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent, Golden Gate/Point Reyes, Fort Mason, San Francisco, California 94123, telephone 415-556-2920.

Minutes of the meeting will be available for public inspection by August 4, 1975 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco, CA.

ation Area, Fort Mason, San Francisco, CA.

Dated: June 3, 1975.

JOHN H. DAVIS,
Acting Regional Director,
Western Region.

[FR Doc. 75-15406 Filed 6-11-75; 8:45 am]

PACIFIC NORTHWEST REGIONAL ADVISORY COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Pacific Northwest Regional Advisory Committee will be held at 9 a.m. on Thursday, July 10, 1975, in the Sun Room of Lake Crescent Lodge in Olympic National Park.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Pacific Northwest Region of the National Park Service.

The members of the Committee are as follows:

Mr. Earl J. Davenport (Chairman)
Dr. Robert L. Whitner (Secretary)
Mr. Leo V. Bodine
Mr. J. Allen Jensen
Mr. Roger Mellem
Dr. Richard M. Noyes
Mr. Wesley A. Phillips, Jr.
Mr. John C. Sackett

The matters to be discussed at this meeting include:

1. Concession management.
2. Olympic National Park boundary adjustments.
3. Public workshops and the planning process.
4. Operational procedures at Olympic National Park.
5. Backcountry management.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Glenn D. Gallison, Associate Regional Director, Cooperative Activities, Pacific Northwest Regional Office, at 206-442-5962. Minutes of the meeting will be available for public inspection four weeks after the meeting at the Pacific Northwest Regional Office, Fourth and Pike Building, Seattle, Washington 98101.

JOHN A. RUTTER,
Regional Director,
Pacific Northwest Region.

[FR Doc. 75-15407 Filed 6-11-75; 8:45 am]

Office of the Secretary

NATIONAL ADVISORY BOARD FOR WILD-FREE ROAMING HORSES AND BURROS

Establishment

Under provisions of section 14(a)(1) of the Federal Advisory Committees Act (86 Stat. 770; 5 App. I U.S.C.), the National Advisory Board on Wild Free-Roaming Horses and Burros, provided for by section 7 of the Act of December 15, 1971 (85 Stat. 649; 16 U.S.C. 1331-1340) terminated on January 5, 1975. It has been determined that there is a continuing need for the advice and recommendations of such a board and that establishment is in the public interest in connection with the performance of duties imposed upon our respective Departments by the Act of December 15, 1971. Accordingly, and under the provisions of section 9(a) of the Federal Advisory Committee Act, notice is hereby given that the National Advisory Board for Wild-Free Roaming Horses and Burros is established for the period January 6, 1975 through December 31, 1976. The purpose, composition, functions, and operation of the Board shall be in accordance with the rules set forth in the FEDERAL REGISTER January 10, 1973 (38 FR 1225-1226).

ROGERS C. B. MORTON,
Secretary of the Interior.

APRIL 30, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

MAY 9, 1975.

CHARTER

NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

1. *Official Designation:* National Advisory Board on Wild Free-Roaming Horses and Burros.
2. *Objectives and Scope of Activity:* Advise the Secretaries of Agriculture and the Interior on the protection and management of wild free-roaming horses and burros on national forest lands and on public lands administered by the Bureau of Land Management.
3. *Period of Time Necessary for Committee's Activities:* Since the advice and recommendations of the Board are related to continuing responsibilities imposed upon the Departments of Agriculture and the Interior by the Act of December 15, 1971 (85 Stat. 649-651), the Board's activities are indefinite in duration.
4. *Agencies and Officials to Whom the Board Reports:* Director, Bureau of Land Management, Interior Building, Washington, D.C. 20240; or, Chief, Forest Service, Independence Avenue and 14th Street, S.W., Washington, D.C. 20250.
5. *Agency Responsible for Administrative Support:* Bureau of Land Management, U.S. Department of the Interior.
6. *Board Duties:* In an advisory capacity only, gather and analyze information, make studies, hold meetings, counsel and make recommendations for the Secretaries of Agriculture and the Interior in accordance with the procedures set forth in the FEDERAL REGISTER of January 10, 1973 (38 FR 1225-1226).
7. *Estimated Annual Operating Costs:* \$40,000 and one man year of Federal manpower.

25036

NOTICES

8. *Estimated Number and Frequency of Meetings:* Four regular (quarterly) meetings annually.

9. *Membership:* The Board will be comprised of not more than nine members. In view of the functions to be performed by the Board, each must have specialized knowledge, gained through education, training, and/or experience, to give informed advice in one or more of the following fields: the protection of horses and burros, the management of wildlife, animal husbandry, and natural resource management. The distribution of appointments in these fields will be as follows:

a. Two members from organizations concerned with wild free-roaming horses and burros and the humane treatment of animals, or persons otherwise qualified by experience in the management and protection of wild free-roaming horses and burros.

b. One member with professional standing in wildlife management.

c. One member from an established wildlife organization, who can be either a layman or a professional.

d. One member with professional standing in veterinary science.

e. One member from a livestock association.

f. One member prominent in the administration of State livestock laws.

g. One member with professional standing in natural resource management.

h. One member from an established natural resource management organization, who may be either a layman or a professional.

The term of appointment will be one year. Members may be appointed for additional one-year terms not to exceed three years of total service. All shall serve without compensation except for reimbursement for travel and per diem expenses as authorized by section 5703 of Title 5, United States Code.

10. *Board Officers:* The Board shall elect its own Chairman and Vice Chairman.

11. *Board Termination Date:* On November 18, 1974, the Acting Secretary of the Interior determined that the Board was necessary and in the public interest in accordance with the provisions of Section 14 (a) of the Federal Advisory Committee Act (Pub. L. 92-463). It will terminate December 31, 1976 unless renewed by the Secretaries of Agriculture and the Interior under the provisions of the Advisory Committee Act.

ROGERS C. B. MORTON,
Secretary of the Interior.

APRIL 30, 1975.

EARL L. BUTZ,
Secretary of Agriculture.

MAY 9, 1975.

[FR Doc.75-15330 Filed 6-11-75;8:45 am]

LOFFLAND BROTHERS CO.

Proposed Cancellation, Termination,
Debarment; and Notice of Hearing

Notice is given that the Director of the Office for Equal Opportunity of the Department of the Interior, with approval of the appropriate officials of the Department of Labor, proposes to cause the cancellation and termination of existing Government contracts and subcontracts held by Loffland Brothers Company, Tulsa, Okla., and debarment of the com-

pany from future Government contracts and subcontracts pursuant to sections 209(a) (5) and (a) (6) of Executive Order 11246, as amended, and implementing regulations; 41 CFR 60-1.26(b), and 41 CFR 60.2.2(c) (1) and (2). The Department is proposing these sanctions for noncompliance of Loffland Brothers Company with the nondiscrimination clause required in Government contracts by Executive Order 11246 and implementing regulations, and for noncompliance with regulations implementing Executive Order 11246, pursuant to 41 CFR 60-2.2(a), during that time when the company was a Government subcontractor within the meaning and definition of 41 CFR 60-1.3(x). The Department of the Interior alleges that Loffland Brothers Company does not maintain an acceptable Affirmative Action Program as required by 41 CFR 60-2 in that:

1. Goals and timetables for increasing minority representation in various job classifications are unacceptable, under the requirements of 41 CFR 2.10 and 2.12(a) (c) (d) and (g).

2. The Affirmative Action Plan does not include specific goals and timetables for women. (41 CFR 60-2.12 (g) and (h)).

3. Training and promotion programs for possible upgrading of minorities were not covered in the Affirmative Action Plan (41 CFR 60-2.1(b) (1) and (2)).

4. The company is using educational standards in certain advancement programs which are causing an adverse effect upon the entrance and advancement of minorities. (41 CFR 60-3.13; 41 CFR 60-2.23(a) (3); 41 CFR 60-2.24(b); 41 CFR 60-3.3; 41 CFR 60-3.2)

5. The pre-employment screening process is having an adverse effect on minorities and women. (41 CFR 60-3.13; 41 CFR 60-2.24(d))

6. Applicant statistics which meet the requirements of the regulations are not being maintained. (41 CFR 60-2.12(1))

A hearing will be held on September 9, 1975, at 10 a.m. in the Federal District Courthouse, New Orleans, La. The hearing shall be held before an administrative law judge of the Department of the Interior. Each party shall have the right to counsel, and a fair opportunity to present evidence and argument and to cross-examine. If compliance will necessitate a revision of the collective bargaining agreement, any labor organization which is a signatory to the agreement shall have the right to participate as a party. (43 CFR 4.757(a)) Any other person or organization shall be permitted to participate in accordance with 43 CFR 4.757 or 4.758. The administrative law judge shall make his proposed findings, conclusions, and decision upon the basis of the record before him.

Issued in Washington on June 9, 1975.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

June 10, 1975.

[FR Doc.75-15460 Filed 6-11-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service
RECALL AND DISPOSITION OF CLASS I
AND CLASS II RECALLED PRODUCTS
FOR HUMAN CONSUMPTIONMemorandum of Understanding With the
Food and Drug Administration

CROSS REFERENCE: For a document giving notice of a Memorandum of Understanding between the Animal and Plant Health Inspection Service and the Food and Drug Administration, see FR Doc. 75-15323 appearing on page 25079 of this issue of the FEDERAL REGISTER, *infra*.

Forest Service

BIGHORN WINTER SPORTS SITE

Availability of Final Environmental
Statement

Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Bighorn Winter Sports Site, Caribou National Forest, Idaho. The Forest Service report number is USDA-FS-FES (Adm) R4-75-7.

This environmental statement evaluates a winter sports site. It is proposed that 600 acres be developed to provide skiing capacity for approximately 3,000 skiers per day.

The Forest land in this proposal is located in South and Bill Williams Canyons, Malad Ranger District, Caribou National Forest, State of Idaho.

This final environmental statement was transmitted to CEQ on June 6, 1975.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave. SW.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Caribou National Forest
427 North Sixth Avenue
P.O. Box 4189
Pocatello, Idaho 83201

District Forest Ranger
Malad Ranger District
30 North 100 West
Malad, Idaho 83252

A limited number of single copies are available upon request to Forest Supervisor Adrain E. Dalton, Caribou National Forest, 427 North Sixth Avenue, P.O. Box 4189, Pocatello, Idaho 83201.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: June 6, 1975.

P. M. REES,
Regional Planning and Budget.

[FR Doc.75-15338 Filed 6-11-75;8:45 am]

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